



BAY AREA RAPID TRANSIT POLICE DEPARTMENT

Office of Internal Affairs

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www.bart.gov/police

DATE: June 27, 2016
TO: Internal Affairs File IA2014-036
FROM: Lieutenant Lance Haight
SUBJECT: Internal Affairs Investigation, Case IA2014-036

Complainant:

M. S. [REDACTED]
[REDACTED]
[REDACTED]

Subject Employee:

Officer Nolan Pianta

Allegations:

Force
Performance (Report Writing)
Conduct Unbecoming

Date, Time and Location of Incident:

The incident in question occurred on March 17, 2014, at around 2015 hours, at the Alameda County Sheriff's Department Santa Rita Jail booking area. Internal Affairs conducted a review of the Supervisor Use of Force Investigation Report and initiated an administrative investigation on April 7, 2014. On September 17, 2014, the Department became aware of a civil suit filed by Ms. S. [REDACTED]. As a result, this investigation was tolled from September 17, 2014, until April 28, 2016, while the civil suit was pending. The tolling period was 1 year, 7 months, and 11 days.

Witnesses:

Oakland Police Officers Kitrel Carter, Paul Phillips, Michael Stolzman, and Joel Hight
Alameda County Sheriff's Technician Michelle Buckhout

BART Police Report: 1403-2632

BACKGROUND

Ms. M[REDACTED] S[REDACTED] was arrested by Officers Trabanino and Carrasco at the Lake Merritt BART Station for public intoxication, resisting arrest and battery on a peace officer on Monday, March 17, 2014, at about 1834 hours.

Officer Pianta was assigned to transport S[REDACTED] from Lake Merritt BART Station to Santa Rita Jail. During the booking process, S[REDACTED] reportedly tried to strike Pianta, and Pianta took S[REDACTED] to the ground. S[REDACTED] was injured in the incident at Santa Rita and was transported to Eden Hospital for treatment. Sergeant Szopinski conducted a Supervisor Use of Force Investigation and interviewed S[REDACTED] at the hospital. S[REDACTED] did not make a complaint at that time.

Internal Affairs reviewed the Supervisor Use of Force Investigation Report and subsequently initiated an administrative investigation on April 7, 2014, regarding the incident.

On September 17, 2015, the Department became aware that S[REDACTED] had filed a lawsuit regarding the incident at Santa Rita Jail and alleged excessive force on the part of Officer Pianta. The administrative investigation was tolled from September 17, 2015, until April 28, 2016, when the civil suit was settled.

The Office of Internal Affairs initiated this investigation which will consider any potential policy violations by Officer Pianta. I, Lieutenant Lance Haight, have taken the assignment to conduct this investigation.

INVESTIGATION – STATEMENTS AND EVIDENCE

Complainant M[REDACTED] S[REDACTED]

Ms. M[REDACTED] S[REDACTED] is the principal complainant as specified in the lawsuit. I was directed by BART legal counsel, Mr. Owen Rooney, that I should not contact S[REDACTED] for an interview due to the lawsuit.

The following allegations were written in the Complaint for Damages and Injunctive Relief filed by Ms. S[REDACTED]'s attorney:

On March 17, 2014, female plaintiff M[REDACTED] S[REDACTED] was traveling on BART when she exited a train in Oakland, and, was arrested by BART PD Officer Trabanino. BART PD Officer Pianta transported her to the Santa Rita Jail. On route, S[REDACTED] urinated in a police car.

Upon arrival at the Santa Rita Jail, in the booking area, BART PD Officer Pianta beat S [REDACTED] until she lost consciousness. This beating caused plaintiff serious head injuries including but not limited to fracturing four of her cheek bones, splitting her molar, and cracking a front tooth.

S [REDACTED] was taken in an ambulance to Eden Medical Center in Castro Valley where S [REDACTED] was treated and required hospital care and treatment for two days.

... The acts and/or omissions of the individual defendants including Nolan Pianta were willful, wanton, reckless, malicious, oppressive and/or done with a conscious or reckless disregard for the rights of the plaintiff, who seeks punitive damages against these individuals according to proof.

Plaintiff has retained private counsel to represent her in this matter and will seek an award of attorney's fees and costs as permitted by law.

... Defendant's use of punitive excessive force was a substantial factor in causing plaintiff's harm.

... Municipal defendant BART was responsible for ensuring the health and safety of the individuals placed in its custody. This included but was not limited to protecting those in custody from excessive or punitive uses of force.

BART Police Sergeant Steve Szopinski responded to Eden Hospital on the night of the incident to conduct a Supervisor Use of Force Investigation. Szopinski recorded his conversation with S [REDACTED] on his AXON Flex camera. The video recording is an exhibit to this investigation. The following is a summary of the video:

S [REDACTED] is seen lying in a hospital bed. Szopinski introduces himself and advises that he is conducting a use of force investigation for what had occurred at the jail. S [REDACTED] comments, "(inaudible) -- this is fucked up. They like knocked my teeth (inaudible) -- my teeth are missing -- I'm missing two teeth." Szopinski asks, "Do you want to tell me what happened," and S [REDACTED] replies, "I don't know, but they said I like hit someone and they just started beating on me. I'm not saying I'm innocent or anything, I'm saying like -- fuck, really, did this (inaudible)?" Szopinski asks S [REDACTED] if she remembered what happened, and she shakes her head back and forth, in what appears to be a response of "no."

Szopinski asks S [REDACTED] if she remembers talking to him earlier at Lake Merritt, and S [REDACTED] replies, "Barely... you seem a little familiar, did you hit me?" Szopinski replies "No," and S [REDACTED] appears to chuckle and says, "Okay." S [REDACTED] asks why she was taken to Santa Rita from Oakland, and Szopinski advises that the jail in Oakland does not take women.

Szopinski references S█████'s comment that she was not innocent. S█████ replies, "No, I didn't say that. I didn't say that. I said I know that I fucked up." Szopinski asks what she means by that, and S█████ replies, "I probably mouthed off or like -- you know -- took a swing or like did something stupid... I just didn't know I would get this much of a fucking backlash."

Szopinski asks S█████ if she wants to tell him what happened, and she replies "no," that she doesn't know what happened, and that without a lawyer she doesn't think she should.

Szopinski advises that he is conducting an administrative investigation, not criminal. Szopinski then tells S█████ that he hopes she feels better and S█████ replies, "Sorry." Szopinski suggests that next time she should cooperate, that the police don't want to hurt anyone, but that the police just want cooperation.

Szopinski asks S█████ if she has any questions or concerns. S█████ replies by asking Szopinski to ask the nurse to bring her some water.

Police Reports:

Officer Trabanino wrote the following police report narrative regarding the initial arrest of S█████ at Lake Merritt BART Station for public intoxication, resisting arrest and battery on an officer:

On Monday, 03/17/2014, at about 1834 HRS, I was at the Lake Merritt BART Station working patrol in full police uniform. I had finished with a medical call on the same platform when an unknown BART employee notified me of an intoxicated subject, later identified as M█████ S█████ who was sitting on a bench nearby. I notified BART PD Dispatch that I was finished with the medical detail and would be out with an intoxicated subject on the platform.

As I approached S█████, I noticed she was sitting down and had her face down, resting, on a gym bag on her lap. I touched S█████ on the shoulder in attempts to wake her up and told her "Ma'am BART Police". S█████ was unresponsive, I placed my fingers on her neck to determine if she had a pulse. S█████ woke up and raised her head and began muttering words, with a thick and slurred speech, and at times very difficult to understand. Upon further observation, I saw S█████ had bloodshot watery eyes and she was emitting a strong odor of an alcoholic beverage from her person. I asked S█████ for her identification and she reached into her purse to retrieve it. She was having difficulty attempting to locate her identification. While attempting to retrieve her identification, I asked her "Do you know where you're at right now"? S█████ responded something to the effect of "I'm at Powell, or Montgomery". S█████ asked something to

the effect of "Can I go home"? Based on S█████'s level of intoxication, I determined S█████ was unable to care for her own safety.

During the detention, S█████ started become verbally argumentative and upset. S█████ said something to the effect of "Give me my fucking ID". I told her I was attempting to verify who she was. She then said something to the effect of "I'm actually a terrorist, so if you want to call the cops this would be good time to do that". I asked S█████ how much she had to drink tonight, she replied something to the effect of "I had like 4 shots". S█████ said something to the effect of "If you want to arrest me, arrest me".

S█████ handed me her California Driver License. A check of the automated records system revealed she was clear of any wants or warrants.

S█████ kept reaching into her bag, and I told her to leave it. Based on my training and experience, suspects are known to carry weapons which are easily accessible in their bags. I put Sheehan's bags out of her reach. S█████ then said something to the effect "There is a needle that will prick you". She then lifted her right hand and said something to the effect of "You're doing such a good job". As she lifted her right hand, she placed it near my magazine holder on my duty belt, which I was wearing, and pushed me. I told S█████ "Don't do that, don't touch me". I attempted to lift her by her left arm so I could place her in handcuffs to prevent further resistance. S█████ tensed up and attempted to break away from my hold by pushing away from me. Officer Carrasco arrived at the scene and assisted me with gaining control of S█████. For our safety and hers, we drove S█████ to the ground. While on the ground I yelled out, multiple times, "Stop resisting"! S█████ was kicking her feet towards us while we attempted to gain control of her. Officer Carrasco took control of S█████'s right arm and hand and I was able to gain control of S█████'s left arm and hand. After gaining control of her hands, we were able to secure her in handcuffs. I handcuffed S█████ checked for proper fit, and double locked them. (Refer to Officer Carrasco's report for further information).

As we walked S█████ towards the escalator, she dropped her weight, spread her feet apart and yelled something to the effect of "I'm not going up stairs, fuck no"! In order to gain compliance, I applied a rear wrist lock, while she was handcuffed, and escorted up the escalator. When we reached the concourse level, I transitioned to a control hold of her arm without using pain compliance. After walking for a few seconds, she dropped her weight again, spread her feet and resisted being taken any further. I applied the rear wrist lock again to gain compliance. After walking through the double doors that lead to the holding cell, she dropped to the floor. Lt. Coontz assisted S█████ up to her feet, by grabbing her left arm, in order to escort her to the holding cell. While in the holding cell, S█████ slipped out of her handcuffs. Officer Carrasco placed handcuffs on S█████ a second time.

Sgt. Szopinski arrived at the scene to approve the arrest and debrief S [REDACTED] Sgt. Szopinski also conducted the use of force investigation.

Officer Carrasco wrote the following police report narrative regarding the arrest of S [REDACTED] at Lake Merritt:

On 03/17/14, at about 1834 hours, I was on full uniformed patrol working beat 14. I responded, as cover, to assist Officer Trabanino #102, on a call of a possible intoxicated person at the Lake Merritt BART Station.

Upon my arrival, I made my way towards the south end of the platforms. CSO Rosete #J334 and CSO Shah #J355 were at the scene. As I got closer to Officer Trabanino's location, I saw the suspect, later identified as M [REDACTED] J [REDACTED] S [REDACTED] (A1), sitting down on a bench. S [REDACTED] suddenly pushed Officer Trabanino, on his duty belt, using her right hand. Officer Trabanino grabbed S [REDACTED] by her left arm. S [REDACTED] became resistive and attempted to break away from Officer Trabanino's hold. S [REDACTED] began to push away from Officer Trabanino. I then grabbed S [REDACTED] by her right arm. Officer Trabanino and I took S [REDACTED] to the ground using a modified arm bar take down. As Officer Trabanino placed handcuffs on S [REDACTED] she began to kick her feet towards me and Officer Trabanino. S [REDACTED] struck my left shoulder and the left side of my face with her feet. Officer Trabanino told S [REDACTED] multiple times to stop resisting. Officer Trabanino was able to handcuff S [REDACTED]. (Refer to Officer Trabanino's report for further details.) S [REDACTED] displayed signs of intoxication. S [REDACTED] had a strong odor of an alcoholic beverage emanating from her person. S [REDACTED] spoke with a slurred speech. S [REDACTED] had bloodshot and watery eyes.

Lt. Coontz #L18 arrived at the scene. As Officer Trabanino and I escorted S [REDACTED] to the escalator that leads to the concourse level, S [REDACTED] stopped and refused to walk any further. S [REDACTED] spread her feet out and dropped her weight to the ground and said, "No, I'm not going upstairs, fuck no, fuck no." I grabbed S [REDACTED] by her upper right arm (Underneath her arm pit) using my left hand. I then grabbed her lower right arm, near her elbow, using my right hand. I then pushed up with my left hand. We were then able to escort S [REDACTED] into the Lake Merritt BART Police substation holding cell to be processed for booking.

This concluded my involvement in this case. Nothing further.

Officer Trabanino completed a probable cause declaration for the arrest with the following charges:

- 647(f) PC, Public Intoxication
- 148(a) PC, Resisting Arrest

- 243(B) PC, Battery on a Peace Officer
- 69 PD, Resisting Arrest by Force

Officer Pianta was not involved in the arrest of S[REDACTED]. Pianta was later assigned to transport S[REDACTED] to Santa Rita Jail for booking on the above listed charges. Pianta wrote the following police report narrative regarding his involvement in the case:

On 03/17/14, at approximately 2006 hours, while working beat 1B10 in full police uniform, I transported M[REDACTED] S[REDACTED] to the Santa Rita Jail for violations of 148(a)(1) PC, willfully resist, obstruct, delay a peace officer; 243(B) PC, battery on a peace officer; and 647(f) PC, drunk in public.

Upon arrival to the jail, S[REDACTED] said something to the effect that she urinated in the back of the patrol car. I shined my flashlight in the back of the car and saw a liquid substance on the floor of the backseat, which I believed to be urine. I asked her if she urinated in the patrol vehicle which she said she did.

I had S[REDACTED] step out of the vehicle and I escorted her towards the entrance of the jail. S[REDACTED] said, "Ya, I have a lot of pee on me. You want some?" She attempted to press her butt up against my leg while I was escorting her, in an attempt to wipe urine from her pants onto my pants. I was able to lock my arm out while holding her arm and because of that, she was unsuccessful in her attempt.

Once inside of the jail I had S[REDACTED] sit down on the bench in the processing area. S[REDACTED] complied. I turned off my MVR and began exchanging paperwork with a jail deputy who was at the counter behind the glass. I gave the jail deputy the booking sheet which contained all charges against S[REDACTED]. The deputy asked me to have S[REDACTED] approach the window so that she could talk with her.

S[REDACTED] approached the window. The deputy instructed me to take the handcuffs off of S[REDACTED] so she could take off her jewelry and place it with her property. S[REDACTED]'s purse which contained her personal items was on the counter next to S[REDACTED].

S[REDACTED] [was] compliant at that point so I removed the handcuffs from her. S[REDACTED] took her earrings out of her ears and relinquished them to the deputy. S[REDACTED] had a hair tie that she was placing in her hair. I told her that jail staff would not let her into jail with the hair tie. S[REDACTED] removed the hair tie from her hair, turned towards me, and threw it at me striking my hat which I was wearing on my head. I said to her, "Really?" She turned away from me and began looking through her purse which was on the counter. I ordered her to stop and I attempted to remove the purse from her reach. Once I grabbed the purse, S[REDACTED] grabbed it and attempted to pull it away from me. I continually ordered her to "Let go" She did not comply. S[REDACTED] began screaming and swearing at

me. I grabbed on to S [REDACTED]'s left arm and placed her in an arm bar control hold in order to gain compliance. Oakland Police Officer M. Stolzman grabbed the purse and removed it from her grasp.

While I had S [REDACTED] in a control hold, she began pulling away from me. I pushed her up against the counter in order to gain better control of her. She suddenly turned towards me and began violently punching with a closed fist at my face. Her strikes appeared as though they were missing my face by inches. I ordered her to get on the ground and she continued her assaultive behavior of attempting to strike me in the face. To protect myself from her attack and to stop her attack on me, I used an armbar take down and guided her to the ground. Upon guiding her to the ground she landed on her face and appeared to go unconscious. Moments later blood pooled onto the floor coming from her facial area. I placed her in the recovery position. Oakland police officers who were present summoned jail medical staff to provide aid to the suspect.

While jail medical staff was rendering aid to S [REDACTED] she began resisting staff and not following their orders. I helped deputies place her into handcuffs.

Via radio I advised dispatch to have medical respond to my location code 3. I also advised dispatch to have Sergeant Szopinski #S21 respond for a use of force.

Alameda County Fire Engine #17 and Paramedics Plus #5290 responded and provided medical aid.

Paramedics Plus #5290 transported Sheehan to Eden Hospital. I followed paramedics there in my patrol vehicle. Sergeant Szopinski met me at the hospital.

I stood by with S [REDACTED] in the emergency room while medical staff treated her. Shortly after, Officer Ross relieved me.

Witnesses to the incident consisted of three Oakland Police Officers, Officer Stolzman #8576, Ofc. Phillips #8903, and Ofc. Carter #8702. Also Santa Rita Medical staff M. Buckhout #444.

S [REDACTED] when released from the hospital will be booked at Santa Rita Jail.

I additionally charged S [REDACTED] with 69 PC, obstruct resist an executive officer; 148(a)(1) PC, willfully resist, obstruct, delay a peace officer; 243(B) PC Battery on a peace officer.

Subject Employee Officer Pianta:

Sergeant Togonon and I met with and interviewed Officer Pianta on November 6, 2014. Officer Pianta was accompanied by attorney Erich Knorr from the law firm of Mastagni, et al. The interview was audio recorded and later transcribed. Please reference the audio recording and transcription for full details. The following is a summary of the interview:

When asked to recount the incident, Pianta stated the following, "On that date I was instructed to -- you know, report to the Lake Merritt Police office to transport Miss S [REDACTED] who was under arrest. I was assigned to transport her to the Santa Rita -- Santa Rita Jail. I transported her to the jail -- once at the jail the -- you know, the -- the -- deputies behind the counter had her step up to the counter and they -- they -- instructed me to un-handcuff her. I un-handcuffed her and I believe that was for her to get her jewelry off. Um -- as she -- after she was un-handcuffed, she was standing at the counter -- she was putting a hair tie in her hair -- I instructed her that she wouldn't be able to take that into the jail with her, you know, it had to stay with the property. Um -- at that time, she turned around and she threw it at me, and it hit me in -- in my hat, and I didn't take any action at that time, I just figured I'd add another charge for that at -- at -- at a later time. Um -- after that she began digging around in her purse, which was on the counter -- you know, and I, you know, I instructed her to let go of the purse, when she did not comply -- so I -- I -- grabbed her hand and placed her in an arm bar and I -- I -- ordered her multiple times to let go of the -- to let go -- she then at -- at -- at the time -- kind of turned towards me, and began attempting to strike me which appeared in the facial area -- I can recall her fist coming within inches of my face. I ordered her to get on the ground, she still did not comply, and she didn't stop her and her attack against me. Uh -- and at that time, I utilized a -- an arm bar technique, and -- and -- and took her to the ground to stop her from a violent attack. Um -- at that point appeared injured -- appeared to be unconscious, I'm not 100 percent sure whether she was or not, but I placed her in recovery position -- I believe Oakland PD officers had -- full -- told jail personnel to have their medical staff come out to look at her. Um -- and while doing that I put her in recovery position, and called for a code three medical -- sergeant to respond to my location. Um -- a medical responder transported her to the hospital, I don't know which hospital it was. I followed the ambulance to the hospital, and once at the hospital, I was relieved of (inaudible) officer.

I recounted that when initially contacting S [REDACTED] in the holding cell at Lake Merritt, S [REDACTED] told him that the handcuffs were hurting. I asked Pianta what he did in response, and he replied "she was complaining that the handcuffs were -- too tight on her wrists and were uncomfortable. Um -- so I -- inspected the handcuffs, and I loosened them up a little bit for her -- for her -- comfort." I asked Pianta if he double locked the cuff, and he replied, "I believe I did."

I then referenced the AXON Flex recording of the drive from Lake Merritt to Santa Rita, and that S [REDACTED] again complained about the handcuffs hurting. Pianta recounted that he

told S [REDACTED] to hold her wrists together and not twist around in order to be more comfortable.

I asked Pianta to describe S [REDACTED]'s demeanor towards him at Lake Merritt and during transport. Pianta replied, "For the most part, she was calm, and -- I would say kind of joking towards me."

I advised Pianta that at one point in the video, S [REDACTED] says something about needing to urinate. Pianta advised that he did not recall her saying that. I advised Pianta that S [REDACTED] made the statement while they were on the freeway. I asked Pianta if there was anything he could have done to accommodate her need to urinate at that point, and Pianta replied there was not.

I asked Pianta about S [REDACTED] urinating in the patrol car, and Pianta stated, "When I opened the door, it appeared that -- as though there was a puddle of a yellow liquid substance on the floor, and I assumed it to [be] urine, but I, for the most part, I asked if she urinated, and no, she said she didn't urinate in the patrol car. She said something about urinating outside of the patrol car, something to that effect."

I advised Pianta that there was a one to two minute gap in the video recording during the transport. I asked Pianta if he had an explanation for the gap, and he replied that he did not. Pianta stated that he wants to have his camera on when transporting a female passenger. Pianta advised that there are times when the camera connection cord will become disconnected and result in a gap in the video. I asked Pianta if he intentionally turned off his camera (during transport), and Pianta stated that he did not.

I then asked Pianta to recount S [REDACTED]'s demeanor when seated on the bench inside the jail, and Pianta replied, "Uh -- I believe, calm, from what I can recollect." I referenced the conversation that Sheehan had with the Oakland Police Officers, and I asked Pianta about the conversation. Pianta stated that S [REDACTED] was talking to the Oakland officers about urinating in the patrol car and that she was joking with them.

I asked Pianta why he deactivated his AXON camera once he entered the jail, and he replied, "Uh -- it -- it was my understanding that -- when we're going into another agency's jail -- you know, that -- that we must -- shut down our cameras, because they have their own cameras. Um -- at --at that time, I -- believe it was their policy for other agencies just to -- turn their cameras off." When asked, Pianta stated he was told during the Field Training Program to turn off his camera when inside a jail facility, but he does not remember which FTO told him that.

Pianta confirmed that the jail staff had him take the handcuffs off S [REDACTED] so that she could remove her jewelry. Pianta also confirmed that S [REDACTED] flicked a hairband at him.

I then asked Pianta why he did not want S [REDACTED] to go through her purse, and he replied, "I -- didn't know if there was any -- um -- weapons in her purse. Um -- plus -- she wasn't allowed to -- to -- have her purse -- because that was going into the -- property at the jail." I asked Pianta if he had searched S [REDACTED]'s purse prior to transport, and he replied he had looked in the purse but that he had not thoroughly searched the purse. I asked Pianta if S [REDACTED] having the purse was an issue, and he replied, "Yes, because the purse could have been used as a weapon..."

I asked Pianta to recount what happened after he told S [REDACTED] to stop going through her purse, and Pianta replied, "She didn't comply, so I -- I grabbed her -- left arm and placed it in a -- an -- arm bar. Uh -- and she wouldn't let go of the purse, I believe the -- the -- OPD guy came over and -- tried to take her purse away from her. Um -- you know, I -- I -- I told her multiple times to let go of the purse, and she did not." I asked Pianta to describe S [REDACTED]'s demeanor at that point, and he replied, "She became angry."

I asked Pianta to describe what happened next, and he replied, "Uh -- yeah. Yes, she began to pull away from me, so -- she was standing near the counter, so I -- you know, I engaged the -- a -- a -- arm bar and pushed up towards the counter to -- control her more... She was facing away from me... and then as I was doing that -- she quickly twirl -- turned -- towards me -- and -- with her right -- arm and her closed fist -- she began -- swinging towards my facial area... I believe two to three times."

I asked Pianta if his effort of pushing S [REDACTED] against the counter and trying to control her arm was effective, and he replied that it was not. I asked Pianta to recount what happened next, and he replied, "I ordered her to get on the ground -- she did not comply, and -- and -- she continued to attempt to strike me in the face, so I did a -- a -- arm bar takedown." I asked Pianta to describe the takedown, and he replied, "I basically pulled her back towards my left side and pushed down -- uh -- towards the ground."

I asked Pianta if the takedown is something that he has been trained to do, and he replied that he has been trained on takedowns in the academy and in Department training.

I asked Pianta to describe S [REDACTED]'s level of resistance just prior to the takedown, and he replied, "Prior to the takedown -- she was -- fully resisting, and -- violent."

I asked Pianta to characterize the amount of force that he used in the takedown, and he stated, "I -- used -- you know, a reasonable amount of force to -- to have her stop her attack on me."

I asked Pianta to describe how S [REDACTED] landed on the ground, and he replied, "To me it appears -- it appears -- as though she -- um -- landed head first on her face on the ground." I asked Pianta if that was his intent, and he replied, "It was not my intent... my intent was to get her on the ground so that I could better

control her -- to stop her -- kind of violent attack towards me." I asked Pianta if he intentionally threw S [REDACTED] on the ground headfirst, and he replied, "No." I asked Pianta if he had an explanation as to how that happened, and he replied, "My only thing is, when it -- her momentum -- was going that way -- while she was swinging, and -- you know, my -- movement down towards the ground and her momentum going that way -- maybe - - it may have been the result why she landed how she did." I asked Pianta what OPD Officer Stolzman was doing at the time of the takedown, and he replied, "It appears -- that he was just trying to secure the purse at that time. It -- it -- it all happened so quickly."

I recounted that Pianta told another officer, "She tried to hit me, so I just took her to the ground, and she went hard, unfortunately." I asked Pianta what he meant by that, and he stated, "It's because she, you know, she was trying to hit me, and -- when I took her to the ground -- it appeared that she landed on it really hard- and -- absorbing -- all the impact on her -- on her -- facial area... I didn't -- mean for her to -- you know, sustain -- injuries -- to her face like that."

I asked Pianta if he used any undue or unnecessary force on S [REDACTED] and he replied, "No."

I advised Pianta that his video taken while transporting S [REDACTED] appears to show that he accelerates quickly and drives faster than the flow of traffic at times. I asked Pianta if he was in any particular hurry to get to the jail, and he replied, "I don't believe so." I asked Pianta if he violated any speed limits, and he replied that he did not recall what his speed was. I asked Pianta if he was driving safely, and he replied, "Yes."

Togonon asked Pianta if it made him mad when S [REDACTED] threw the hairband at him, and Pianta replied, "Um -- yes." Togonon then asked, "The fact that you were upset or -- or - - mad -- um -- have anything to do with the way you conducted yourself towards Miss S [REDACTED] at any point?" Pianta replied, "No."

I asked Pianta to explain why he transitioned from trying to restrain S [REDACTED] with a control hold against the counter to taking her down to the ground, and Pianta replied, "Uh -- once she started -- um -- the -- basically, the arm bar was -- was -- ineffective -- um -- she was able to -- uh -- turn towards me and begin striking -- uh -- at me. Um -- and at that time -- um -- to stop her -- uh -- violent attack, I -- uh -- used an arm bar takedown."

I asked Pianta if S [REDACTED]'s strikes ever made contact, and he replied, "Not to my face -- I -- I -- don't recall if she was hitting my arm or not -- so I'm -- I'm -- I'm not 100 percent sure if she made contact with -- with -- if her punches landed or not, but I know that they did not -- hit my face."

I asked Pianta to describe his overall conduct during the incident, and he replied that he feels he was professional. I asked Pianta if any of his conduct was retaliation for Sheehan urinating in the patrol car, and Pianta replied, "No."

Attorney Knorr asked Pianta, "The amount of force that you used -- when you conducted the takedown, was it in any way, any more than the amount of force that you would use typically when taking someone to the ground?" Pianta replied, "No." Knorr then asked, "So, did you only use the amount of force necessary to effectuate the takedown?" Pianta replied, "Yes."

I then asked Pianta, "And the amount of force you were applying, was it based on the fact that she was -- smaller in size to you? Were you -- were you -- using any less force on her than you would, say, on me -- I weigh 215 pounds?" Pianta replied, "I don't believe so."

I then asked Pianta if he used any more force than what was necessary to take S [REDACTED] down to the floor, and Pianta replied, "No."

Attorney Erich Knorr sent Internal Affairs an email on December 9, 2014, with the following letter from Officer Pianta to Internal Affairs as an attachment to the email. Knorr prefaced the attachment with, "*Please find attached a letter from Nolan Pianta clarifying one of his responses during his interview on November 6, 2014. If you have any questions or concerns, please call me directly.*"

Lt. Haight

After reviewing the tape-recording of my interview on November 6, 2014, I would like to clarify my response to one of your questions. The question, "Were you using any less force on her than you would on me, I weigh 215 pounds." I misunderstood the question at the time of the interview. I would like to clarify, that I did not use the same amount of force on her, as I would on someone of a larger stature. I used only the amount of force necessary to take her to the ground, so she would stop her attack. The level of force I use in any given situation varies depending on what is required to bring the individual suspect under control.

Thank you,

Nolan Pianta

I conducted a second interview with Officer Pianta on July 17, 2015. Officer Pianta was accompanied by attorney Erich Knorr from the law firm of Mastagni, et al. The interview was audio recorded and later transcribed. Please reference the audio recording and transcription for full details. The following is a summary of the interview:

I recounted that the incident had taken place on March 17, 2014, at about 2015 hours, and that Pianta had submitted his report in the early morning hours of March 18, 2014. I then read the following to Pianta from his narrative, *"To protect myself from her attack and to stop her attack on me, I used an arm bar takedown and guided her to the ground. Upon guiding her to the ground, she landed on her face and appeared to go unconscious."*

I asked Pianta what training he has received in the police academy, field training or advanced officer training, regarding documentation of a use of force. Pianta replied, "I've received training on to -- uh -- document all the facts in the use of force." I asked Pianta how he generally does that, and he replied, "Um -- in -- uh -- writing down what happened in the police report."

I recounted that Pianta had documented that he used an arm bar takedown and "guided" S██████ to the ground. I asked Pianta to explain why he chose those words to describe what took place. Pianta replied, "It's my understanding that -- um -- that's how the -- um -- technique is conducted. Uh -- both my hands are on the subject, and it's -- um -- it's a circle down-type corkscrew motion -- um -- where you're essentially -- um -- guiding that person down towards the ground -- um -- where you have control of their -- their -- um -- their arms -- uh -- with both your hands. Um -- uh -- I've received -- uh -- uh -- training. I don't know -- uh -- I don't recall -- um -- uh -- where or -- um -- uh -- from who, but -- um -- it -- it's always been -- uh -- um -- specifically back -- uh -- when I worked in the prison -- um -- we used that term all the time -- guiding the subject to the ground -- um -- when we -- we talked about -- um -- this type of -- um -- uh -- maneuver."

I then recounted from Pianta's interview with Internal Affairs on November 6, 2014, that he stated he "used an arm bar technique and took her to the ground. . ." I further recounted that when asked in the interview to describe the takedown, Pianta stated, "I basically pulled her back to my left side and pushed down towards the ground."

I advised Pianta that he wrote in his report that he "guided" her to the ground, and that when interviewed he stated that he "took" her to the ground and that he "pushed" her to the ground. I asked Pianta if he considered all of the above to be accurate statements, and he replied, "I do."

I asked Pianta if he considered anything in his report to be misleading or inaccurate, and he replied, "No."

Witness: Oakland Police Officer Paul Phillips:

I met with and interviewed Officer Phillips on December 29, 2014, as a witness to this investigation. Officer Phillips was at Santa Rita Jail at the time of the incident. The interview

was audio recorded and later transcribed. Please reference the audio recording and transcription for full details. The following is a summary of the interview:

Officer Phillips recounted the following, "That night -- it was -- Saint Patrick's Day, March 17th, we were taking a transport from our criminal investigative division to Santa Rita. Um -- we were in the process of booking ours when -- BART arrived with a very intoxicated female. Um -- the female had -- was jabbering about urinating on herself -- and laughing about it. And making fun of herself being arrested for it. Um -- the Bart officer, the whole time was very professional and -- put her to the side while we finished ours, and at some points, the Santa Rita Jail technician or officer called her up to the window -- I don't recall actually seeing him unhandcuff her at all. To take her hair stuff out like we do for females -- or at least the Oakland Police. Um -- I do recall looking at her at the point where -- she was getting her stuff out of her hair and then I heard her -- I heard -- the officer say something and I had seen her turned around and I saw a hair band flicked at him -- at that point she reaches into her purse -- I noticed the officer looking at the purse -- and then he goes to stop her from reaching in her purse, because I believed that he had not, I took that he inserted that he was stopping her from doing that. Um -- again myself as an officer, I will be concerned that there was a weapon in there. Uh -- he walked up on her to stop her, grabbed her arm said you can't do that. That's when she got angry at him and said what -- whatever she was -- going after. Um -- another Oakland Police Officer [Stolzman] went to assist him and...The BART officer got the hand twist on -- uh -- the lady in custody. But she had freed other hand or she turned around and tried to swing on the officer. At which point, it appeared from my angle -- uh -- and I was about three to five feet -- uh -- directly away from them. It appeared that the officer took a step back to protect himself. And then -- uh -- put her down on the ground, not in a shoving or slamming manner, but in a way that -- that we were trained to put -- put them in hand kind of back and she -- I did not see her tripped. I couldn't tell if there was a trip - - uh -- I just saw her go straight to the ground."

I asked Phillips to describe how Pianta performed the takedown, and he replied, "I don't know if it was by him -- uh -- just getting out of her way and having one arm and -- um -- her being intoxicated that she went off balance and her body weight with him going down -- uh -- added to it. Uh -- I wasn't looking at anyone's feet to see if there was any trip. Uh -- but I didn't see any officer, the BART officer nor the Oakland officer shoving her."

I asked Phillips if the use of force was justified, and he said that it was. I asked why, and he replied, "Well, encountering an intoxicated subject -- um -- you don't know the demeanor. She started off very happy and making fun of herself at the beginning of this. Uh -- she became -- uh -- increasingly hostile at the officer. Uh -- told her she can't have certain items, you know, the hairband -- uh -- she then reach into her purse which you know, I've never asked if he searched her before or after the matter if he searched her beforehand obviously it appeared by him saying no to her, I took it that, well he didn't search her yet. So she shouldn't -- her hand shouldn't be in there. I don't what she was

grabbing, could be getting a weapon -- um -- so he went to stop that and based on that, she got extremely upset to the point where she now wants to use her force, her skill and abilities which we don't know what they are. She was going to punch, throw, choke, poke at the officer. So him, the BART officer did the right thing in my eyes by getting out of the way to protect himself first. He -- he still had the control of her now her going down on the ground, again I didn't see a push. So, if it was based on just sheer physics of her body movement and him moving out of her [way] because she was drunk, that's fine."

I asked Phillips if he saw any excessive or unlawful force on the part of Pianta, and he replied, "No."

I asked Phillips to describe Pianta's demeanor throughout the incident, and he replied, "Very professional and then very worried after the fact. He -- um -- he stayed down with her once she went hit the ground trying to get help... He got very worried for her safety once she was on the ground. At no time, did he -- was he unprofessional. He -- first thing was control the scene and then, you know, as a first responder, you tend to the next problem which is now the medical issues and he did that."

Witness: Oakland Police Officer Kitrel Carter:

I met with and interviewed Officer Carter on December 29, 2014, as a witness to this investigation. Officer Carter was at Santa Rita Jail at the time of the incident. The interview was audio recorded and later transcribed. Please reference the audio recording and transcription for full details. The following is a summary of the interview:

I asked Officer Carter what he remembered about the incident, and he stated the following, "I remember seeing Officer [Pianta]... there with a young lady, I don't remember her name. Um -- initially she was sitting down on the bench -- um -- but then I believed one of the technicians there called them up to the window so that they could begin the process of booking her into jail. Um -- as he was there -- uh -- I think he un-handcuffed her, but then -- um -- I -- I believe she -- she was turning around and she had like a hair tie or something and she flung it at him and it struck him and then he said something to her and she kind of started to get very belligerent so I believed that they were trying to place her back in handcuffs because of her demeanor. And at that time, she turned around and she had a clenched fist and she was striking Officer Pianta. So that's when I saw him take her down to the ground."

I asked Carter if S [REDACTED] made contact when striking at Pianta, and Carter replied, "Yes, she made contact with him... I believe she hit him in the face and the upper facial area... her right hand with a clenched fist."

I asked Carter if the use of force on the part of Pianta was justified, and Carter replied, "Absolutely... Because he'd given her commands to comply, she wasn't complying. She struck him so -- uh -- he didn't really have any other options. Uh -- he wasn't going to just stand there and continue to be assaulted. So, he did the takedown in order to get her under control and place her back in handcuffs."

I asked Carter if it appeared as though Pianta was intentionally trying to hurt S [REDACTED] and Carter replied, "No."

I asked Carter to describe Pianta's demeanor, and he replied, "Very calm, restrained as opposed to what he could have been. He's a very calm, restrained professional." I asked Carter to describe Pianta's demeanor after the use of force, and he replied, "The same, he was calm and trying to render aid to the young lady. That was it."

I asked Carter if he witnessed any conduct on the part of Pianta that gave him cause for concern, and he replied, "No, not at all."

I asked Carter to describe S [REDACTED]'s demeanor, and he replied, "Well, I can obviously tell that she was intoxicated -- um -- she was loud. She was very belligerent..."

Witness: Oakland Police Officer Michael Stolzman:

I interviewed Officer Stolzman on February 15, 2015, as a witness to this investigation. Officer Stolzman was at Santa Rita Jail at the time of the incident. The interview was audio recorded and later transcribed. Please reference the audio recording and transcription for full details. The following is a summary of the interview:

Officer Stolzman recounted the incident as follows, "I was -- working as a uniformed police officer. We had -- were in the process of transporting an in-custody that we had from the City of Oakland, and we're inside the -- the sally port there at the Santa Rita Jail. Um -- I noticed that a BART officer -- had a female, White -- in custody for unknown reasons. Uh -- at the time, my first view of her -- she was seated on a -- uh -- bench, I guess a concrete bench there inside the Santa Rita Jail. Uh -- throughout the -- for the next several minutes after I saw her, I was in the process -- of standing around talking with some of my partners -- from the Oakland Police Department that were there, as well as the in-custody that we had. Uh -- during which time -- I noticed that -- the female -- that the BART officer had in custody -- appeared to be -- intoxicated. Uh -- I based this decision -- based on her slurred speech -- belligerent behavior. Um -- a short time later -- she was escorted up to the window -- to deal with the technicians at the Santa Rita Jail, as far as some administrative paperwork -- which would include the -- signing of -- property and such. Um -- my attention was drawn -- to her at one point as I observed her -- she was -- the BART officer was in the process of -- she had to remove a headband,

I believe it was, a hairband, I should say -- and I actually observed her flick that headband at the BART officer, and I believe that actually hit him in either his chest or his face area. Um -- there's little to no reaction from the BART officer -- maybe a slight verbal reaction. Um -- shortly thereafter -- the subject started to -- go through or grab her purse -- which was going to be, I believe -- I think the purse was going to be placed underneath the window -- yeah, so property -- safe keeping, if you will -- by the Santa Rita -- technicians. Uh -- at that point -- she refused -- to let go of the -- the purse. Uh -- the officer, I believe, at least two times or three times -- asked her, or excuse me I should say, told her to let go of the purse -- I believe the -- the quote was "let go of it, let go of it". Uh -- that actually happened at least two or three times. Uh -- she failed to let go of it, and it became clear that -- the belligerent behavior that I observed earlier -- was only -- escalating a little bit further. Um -- as this continued -- I observed the officer, I believe it was -- I think he grabbed her left arm -- and that was at which point that I walked over -- and she was still in the process of pulling the purse away -- so I grabbed the purse to pull that purse away, just at about that time -- she swung and -- it was my impression at the time -- that she had struck the officer -- in the face -- with either a -- a -- I believe that -- I think at the time, I recall that -- that -- it appeared that it was a -- a -- closed fist. Uh -- it was at that point that the officer did a -- a takedown of the -- the White female, and -- she landed -- on the ground or on the -- floor of the Santa Rita Jail... shortly thereafter -- medical personnel was -- requested to the scene -- and at which point -- it was requested that they call an -- an -- ambulance -- thereafter -- uh -- medical personnel from the Santa Rita Jail -- uh -- came out to -- uh -- treat this female."

I asked Stolzman to characterize Pianta's demeanor throughout the incident, and Stolzman replied, "Uh -- very calm. Uh -- very calm -- stoic. Um -- like I said -- little reaction came -- when he had actually -- or I should say, when the subject, the female, White, had -- flicked -- the headband -- at him. Um -- and like I said, there was very little to no reaction -- I think he responded -- with the -- the word, really -- as if he was in kind of disbelief, if you will, that she actually had done -- done so. Uh -- then after that, it was -- I would say business as usual -- in a calm -- calm -- demeanor."

I asked Stolzman if Officer Pianta was justified in using force against S [REDACTED], and he replied, "Absolutely. Uh -- no question." I asked Stolzman to explain what he based that opinion on, and he replied, "Based that on -- would -- certainly serv -- uh -- excuse me -- uh -- about 18 years of experience as being a sworn police officer in the State of California. Uh -- but not only that -- at the time -- she had failed numerous attempts of both -- I would say, verbally -- and physically by grabbing her arm to restrain the subject, and at the time -- it appeared that she'd be -- she appeared to be a threat towards -- the officer -- by what appeared to me as -- throwing a closed-fist -- closed-fist strike -- to the officer."

I asked Stolzman if Pianta used any excessive force, and Stolzman replied, "Uh -- no, I think it was -- I -- I -- I think the (inaudible) -- I think the force was very reasonable -- at the time. And certainly it -- it stopped -- the subject from -- further -- striking..."

I asked Stolzman if it appeared as though Pianta used force with the intent to injure S [REDACTED], and he replied, "No, I don't believe so."

I asked Stolzman to describe Pianta's reaction after the takedown, and he replied, "I believe she was -- I believe he was stunned -- and concerned -- that, you know, and -- maybe in a little bit of disbelief -- as a result the injur -- the injury that she sustained as a result of the -- of the takedown."

Witness: Oakland Police Officer Joel Hight:

I met with and interviewed Officer Hight on February 17, 2015, as a witness to this investigation. Officer Hight was at Santa Rita Jail at the time of the incident. The interview was audio recorded and later transcribed. Please reference the audio recording and transcription for full details. The following is a summary of the interview:

Officer Hight recounted the incident as follows, "I was standing with -- an arrestee -- approximately ten, fifteen feet away from -- Officer -- Pianta and -- I observed the -- subject was -- very intoxicated. She -- while he was trying to get her booked into the jail, she -- removed -- as typical -- booking procedures, that -- she had to remove any loose articles, hairbands -- and in the process of -- Officer Pianta -- giving those instructions, she turned around and threw what appeared to be a hairband at him. Um -- following by, she then started to go through her -- purse when Officer Pianta -- advised her not to, he grabbed her and restrained her arm in a -- in a -- bent wrist. Um -- he then told her to get her hand out of the purse -- she started to become more uncooperative. Uh -- from what I observed, she tried to ball up her -- a -- a fist and punch at -- at him. There was another OPD officer who was noticing the tension between them, as he was beginning to approach over to them -- I don't know if she was in the process of swinging, but Officer Pianta -- took her to -- down to the ground with a leg sweep -- to gain control over -- once she was detained in handcuffs -- we got medical -- for her, because the leg sweep -- resulted in her body hitting the ground pretty hard. I believe she lost consciousness."

I asked Hight if Pianta was justified in using force, and Hight replied, "Yeah, in my perspective, yes." I asked what he based that on, and Hight replied, "The amount of non-compliance that she was displaying, she was -- trying to use force against him. Like, she was trying to become combative, so -- in his estimate, from what my perspective was to (inaudible) the leg sweep takedown to get her into handcuffs was appropriate in my opinion."

I asked Hight if Pianta used any excessive force, and Hight replied, "No. I mean, the -- the bent wrist obviously did not appear to be getting her into compliance -- it appeared that any kind of use of force -- would be consistent with gaining compliance over the situation would have been the leg sweep, just to get her down to the ground so -- uh -- he could properly get her into handcuffs."

I asked Hight if it appeared as though Pianta was intentionally trying to injure S [REDACTED] and Hight replied, "Not at all. His demeanor appeared to be very relaxed, but -- uh -- as she started to become more escalated -- he didn't appear to be overly aggressive, he just appeared to be kind of reactive, based off his training. I can imagine that -- the -- as far as use -- use of force, and arrest and control procedures that we're taught, that -- the best position to -- place somebody in handcuffs is on the ground."

I asked Hight to describe S [REDACTED]'s demeanor throughout the incident, and Hight replied, "Um -- very sarcastic, very -- she appeared to be very intoxicated, she -- she didn't seem [to believe] like it was appropriate for her to in -- to be booked into jail... she kind of appealed that she's not a criminal, that she doesn't deserve this -- so she didn't appear to be realizing... the reality of the situation that -- that she was going to be booked into jail."

Witness: Alameda County Sheriff's Technician Michelle Buckhout

Sergeant Szopinski interviewed Technician Buckhout as part of his Supervisor Use of Force investigation and documented the following in his Supervisor Use of Force Report:

I interviewed Alameda County Sheriff technician Michelle Buckhout #444 who stated she had been in the process of in-taking S [REDACTED] at the Santa Rita Jail check-in counter. Buckhout stated that it appeared to her that S [REDACTED] was compliant and advised the Officer (being Officer Pianta) to uncuff her (being S [REDACTED]) so she could sign for her property. Buckhout remembers a struggle ensuing soon after S [REDACTED] was uncuffed and that S [REDACTED] wanted her purse. S [REDACTED] recalls the Officer Pianta grabbing onto S [REDACTED]'s left hand, while S [REDACTED] was still holding onto her purse. Buckhout stated she saw S [REDACTED] take a swing at Officer Pianta's head when another Oakland Police Officer was walking over to assist. Buckhout stated Officer Pianta then took S [REDACTED] to the ground but could not see S [REDACTED] on the ground due to the counter obstructing her view. Buckhout stated she could not hear the conversation between Officer Pianta and S [REDACTED] due to the bullet proof glass portion.

Santa Rita Jail Surveillance Video:

Alameda County Sheriff's Department records surveillance video of the booking area at Santa Rita Jail. The Sheriff's Department supplied a copy of the video of this incident to BART

Police. The surveillance video has few frames per second and is "choppy" when viewed. The video does not have audio. The following is a summary of the video:

S█████ is seen standing at the intake counter without handcuffs. Pianta is standing behind her. S█████ pulls her hair back into a ponytail but then stops and faces Pianta momentarily. S█████ then turns back to the intake window and reaches into her purse. Pianta approaches S█████ from behind and reaches for the purse. S█████ turns towards Pianta, and Pianta then puts a twist lock/arm bar on S█████'s left arm. S█████ then turns to face Pianta and raises her right arm above her head with a clenched fist. There appears to be a struggle. Oakland Officer Stolzman steps over to assist. S█████ is forced to the ground by Pianta.

Video Evidence – AXON Flex Video

Officers Trabanino and Carrasco recorded the arrest of S█████ on AXON Flex. The following is a summary of the videos:

During the initial detention, S█████ is verbally argumentative and at one point reaches out and pushes Officer Trabanino's duty belt with her hand. When Trabanino attempts to place S█████ in handcuffs, S█████ attempts to break away by standing up and pushing him. Officer Carrasco arrives on scene and both officers take S█████ to the ground where she is placed in handcuffs. The officers attempt to escort S█████ to the concourse level, and S█████ drops her bodyweight and states, "I'm not going upstairs, no!" Officer Trabanino uses a rear wristlock to escort S█████. Once in the holding cell, S█████ becomes compliant. At one point, S█████ slipped the handcuffs off. S█████ was re-handcuffed without incident.

Officer Pianta recorded the transport of S█████ from Lake Merritt to Santa Rita Jail. There is a one minute gap in the recording during the drive to Santa Rita (unknown reason for gap, although Pianta stated that the cord may have become temporarily disconnected). Pianta deactivates the recorder once inside the jail. The following is a summary of Pianta's video:

Pianta activates his AXON Flex camera before contacting S█████ in the holding cell at Lake Merritt. S█████ complains about the handcuffs being tight and begins crying. Officer Pianta re-adjusts the handcuffs and explains to S█████ that she should try to hold her wrists together to be more comfortable.

Pianta records the drive to the jail. S█████ complains about the handcuffs hurting, and Pianta recounts that he had loosened the cuffs and suggests that she try to not twist her wrists. S█████ is quiet during the majority of the drive. She does ask where they are going, and Pianta tells her they are going to Santa Rita. S█████'s demeanor throughout the drive appears to be calm and amiable. On two occasions during the drive Pianta sees

S [REDACTED] moving around in the back seat, and he tells her to stop "messaging with the cuffs" or it will hurt her arms more. S [REDACTED] does speak briefly at times but cannot be clearly heard over the traffic noise. At one point it sounds as though S [REDACTED] says she has to pee, and at another point it sounds as though she may be singing. At the conclusion of the drive, S [REDACTED] appears to chide Pianta saying that he will get a dollar reward for arresting her.

Once at the jail parking area, Pianta opens the door for S [REDACTED] and apparently notices that she has urinated in the back seat. When walking towards the jail, S [REDACTED] states, "... I have a lot of pee on me, want (inaudible)." S [REDACTED] appears to try to back up into Pianta. She appears to be joking and laughing. Once inside the jail, Pianta directs S [REDACTED] to sit on a bench and she complies. Pianta makes what appears to be a joking comment about adding a charge for peeing in the car. S [REDACTED] replies, "... oh, I'm sure that will happen." S [REDACTED] appears to be cooperative at this point; she is seated on a bench unrestrained. Pianta turned off his camera at this point.

Pianta re-activates his AXON Flex camera after S [REDACTED] had been forced to the floor. Santa Rita nurses respond and attend to S [REDACTED]. Pianta is heard telling another officer, "Assault on an officer and 148." The other officer's comments are inaudible due to noise and echo in the jail. Pianta tells the officer, "She tried to hit me, so I just took her to the ground, and she went hard, unfortunately." Pianta is then heard making a phone call advising that S [REDACTED] will need to be transported for medical and he requests that an officer relieve him to stay with S [REDACTED]. Pianta states, "She took a swing at me, so I had to dump her..."

S [REDACTED] is seen in the video being uncooperative with the nurses, and the nurses repeatedly tell her to stay still. Eventually a deputy puts handcuffs on S [REDACTED]. Fire personnel respond and ask the nurse if S [REDACTED] lost consciousness, and the nurse replies that she didn't think so. Fire personnel asked S [REDACTED] if she passed out, and she replies that she did. Fire then asks Pianta if S [REDACTED] was resisting, and he replies, "Yeah, she was trying to punch me, so she went to the ground." S [REDACTED] is placed on a gurney, unhandcuffed, and the placed in straps. S [REDACTED] asks if the straps are necessary, and the ambulance personnel state that she has been kicking around and so it is for their safety. Pianta continues recording until S [REDACTED] is taken out of the jail by ambulance personnel.

Video Evidence – Oakland Police Officer Body Worn Cameras

Sergeant Szopinski later received the videos recorded by Oakland Police Officers Carter, Phillips, and Stolzman. Szopinski submitted the videos to Internal Affairs for inclusion in the Supervisor Use of Force investigation file. Internal Affairs placed the video files into the investigation file and submitted a copy as evidence.

I later learned that there was a fourth Oakland video recorded by Officer Hight. I received a copy of the Hight video from Oakland Police Department. I added the video to the Internal Affairs case file, and I also submitted a copy of the video into evidence for the criminal case.

The Oakland Police videos are summarized as follows:

Oakland Police Officers are seen standing in the booking area. Ms. [REDACTED] is seated in handcuffs on a bench and can be heard laughing and telling the officers, "It happens," in reference to urinating in the patrol car. [REDACTED] continues laughing and talking. Officer Pianta is seen at the intake window with S [REDACTED]'s property.

S [REDACTED] is then seen at the intake window, and she is no longer in handcuffs. S [REDACTED] can be seen trying to put her hair into a ponytail, and Pianta states that S [REDACTED] needs to put "that" (elastic hair band) into her property. S [REDACTED] tosses the hairband at Pianta, and Pianta is then heard saying "really?" S [REDACTED] turns away from Pianta to face the counter. Pianta remains behind Sheehan for 20 seconds until S [REDACTED] starts to go through her purse.

Pianta approaches S [REDACTED] on her left side next to her purse which is on the counter. Pianta tells S [REDACTED] to, "let go of it (purse)," multiple times in a calm and then authoritative voice. Pianta attempts to put S [REDACTED] into a bent wrist or a twist lock with his left hand grabbing S [REDACTED]'s left wrist with his right hand near S [REDACTED]'s left elbow. S [REDACTED] replies, "Oh my god, you're such a strong -- don't fucking touch me like that." S [REDACTED] loudly states, "Don't touch me like that!" S [REDACTED] turns and faces Pianta. S [REDACTED] then raises her right hand above Pianta's head and cocks her hand back with a fist. Pianta states, "Really?!" Pianta pivots to S [REDACTED]'s left side with his right leg in front of S [REDACTED]'s left leg. Pianta then forces S [REDACTED] to the floor with an arm bar takedown over his right leg. The takedown is swift and dynamic in nature. OPD Officer Stolzman was on S [REDACTED]'s right side holding her right arm.

Investigator's Note:

Officer Pianta noted in his police report and reiterated in his interview with Internal Affairs that he ordered S [REDACTED] to get on the ground just prior to performing the takedown. That does not appear to be an accurate recollection on the part of Pianta. The audio from the Oakland Officers' video did not record Pianta ordering S [REDACTED] to get on the ground. Pianta stated, "Let go of it [purse]," and then, "Really?!" just prior to the takedown.

OPD Officer Stolzman tells the ACSO Technician to request medical. S [REDACTED] is seen lying face down on the floor, motionless, and Pianta places her in the recovery position. S [REDACTED] can be heard whimpering. Two ACSO nurses attend to S [REDACTED]. Officer Pianta also requests medical via his police radio. S [REDACTED] becomes uncooperative with the nurses and attempts to remove a bandage that has been wrapped around her head. The nurses request

that S [REDACTED] be placed in handcuffs, and a deputy places handcuffs on S [REDACTED] without incident.

Fire and medical personnel arrive on scene. One of the personnel asks Pianta if S [REDACTED] was "out, like knocked out?" Pianta replies that she might have been, yes. S [REDACTED] is placed on a gurney. The medical personnel place S [REDACTED] in straps, S [REDACTED] asks why, and they reply that she was kicking around a little bit and that the straps are for their safety. S [REDACTED] is taken out of the jail on the gurney.

The following still screen shots were taken from the video:

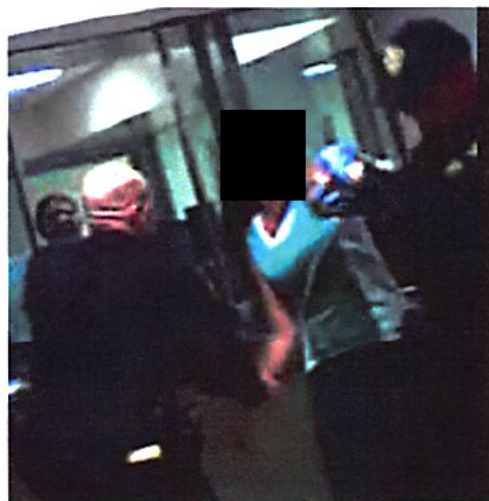
S [REDACTED] raising her right hand above Pianta's head.



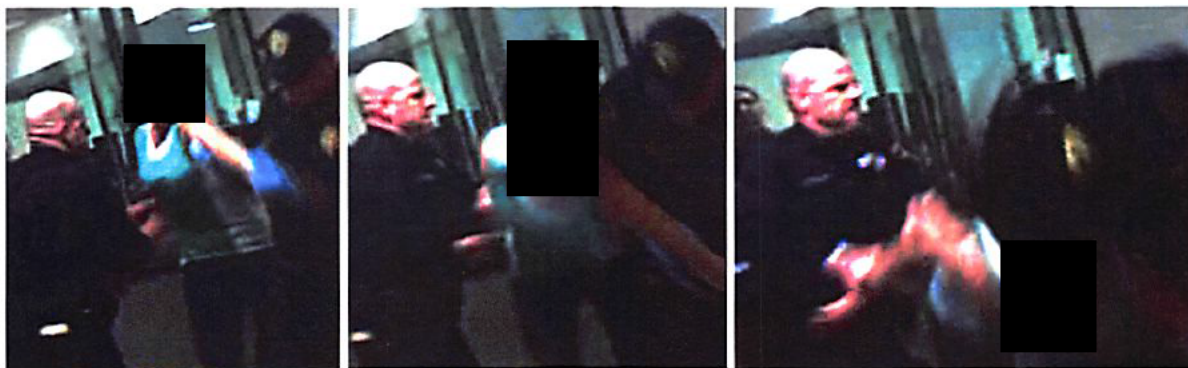
S [REDACTED] cocking her right hand back in a fist:



Pianta on [REDACTED]'s left side with his right leg in front of S [REDACTED]



Arm bar takedown:



POLICY

201.2.14 Performance

- p. *Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.*

Force

Department Policy 300, Use of Force, states the following in section 300.2:

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

Department Policy 300, Use of Force, states the following in section 300.2.4 (Pain Compliance and Takedown Techniques):

Pain compliance and/or takedown techniques may be very effective in controlling an actively resisting individual. Officers should only apply those pain compliance and/or takedown techniques for which the officer has received P.O.S.T. or other departmentally approved training, and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance and/or takedown technique should consider the totality of the circumstance including, but not limited to:

- 1. The potential for injury to the officer(s) or others if the technique is not used*
- 2. The potential risk of serious injury to the individual being controlled*
- 3. The degree to which the pain compliance and/or takedown technique may be controlled in application according to the level of resistance*
- 4. The nature of the offense involved*

5. *The level of resistance of the individual(s) involved*
6. *The need for prompt resolution of the situation*
7. *If time permits (e.g., passive demonstrators), other reasonable alternatives*

The application of any pain compliance and/or takedown technique shall be discontinued once the officer determines that compliance has been achieved.

AXON Flex:

Department Policy 451, Use of the AXON Flex, states the following in section 451.5 (Activation of the Video/Audio Recorded):

3. *All on-scene officers (inclusive of all initiating and witness officers) equipped with an AXON Flex shall activate their cameras prior to making contact with individuals in any of the following circumstances:*
 1. *Any enforcement contact e.g. detentions, vehicle stops, walking stops (officers are encouraged to activate their AXON Flex on consensual encounters also), as outlined in Policy section 322.3.*
 2. *Probation and parole searches*
 3. *Service of a search or arrest warrant*
 4. *Any contact with a subject suspected of criminal behavior*

451.6 AXON Flex Operating Procedures

(b) Once the AXON Flex is activated pursuant to Section 451.5 of this policy, it shall remain on until the event giving rise to the activation has reached a conclusion and/or the officer leaves the scene of the event, whichever occurs first. When the officer reasonably believes the event giving rise to the activation is over, he/she may deactivate the AXON Flex from the recording mode. If the event giving rise to the activation resumes following the officer's termination of the AXON Flex recording the officer shall reactivate their AXON Flex.

SUMMARY AND CONCLUSION

In reviewing all the statements and evidence as listed above the following is concluded:

Ms. M [REDACTED] S [REDACTED] was arrested at Lake Merritt BART Station on March 17, 2014, by BART Police Officers Trabanino and Carasco for public intoxication, resisting arrest, and assault on a peace officer. Officer Pianta was later assigned to transport S [REDACTED] to Santa Rita Jail for booking.

S [REDACTED] appeared to be cooperative at the jail and was unhandcuffed. At one point in the booking process S [REDACTED] tossed a hairband at Pianta and then ignored Pianta's order to let go of her purse. Pianta attempted to control S [REDACTED] with a control hold and then by bracing her against the intake counter. S [REDACTED] was combative, spun around towards Pianta and tried to hit his face with a hammer fist strike. An Oakland officer also tried to assist. Pianta performed a dynamic takedown in order to control S [REDACTED], and S [REDACTED]'s face hit the floor. S [REDACTED] appeared to lose consciousness momentarily. S [REDACTED] was transported and admitted to Eden Hospital due to injury.

Sergeant Szopinski responded to Eden Hospital to interview S [REDACTED] for a use of force investigation. S [REDACTED] stated that she did not remember what happened. S [REDACTED] stated, "... I'm not saying I'm innocent or anything... I probably mouthed off or like -- you know -- took a swing or like did something stupid... I just didn't know I would get this much of a fucking backlash."

BART Police received notification on September 17, 2015, that S [REDACTED] had filed a lawsuit regarding the incident at Santa Rita Jail and alleged excessive force on the part of Officer Pianta. The Complaint for Damages and Injunctive Relief filed by Ms. S [REDACTED]'s attorney included the following, *"Upon arrival at the Santa Rita Jail, in the booking area, BART PD Officer Pianta beat S [REDACTED] until she lost consciousness. This beating caused plaintiff serious head injuries including but not limited to fracturing four of her cheek bones, splitting her molar, and cracking a front tooth."*

Four Oakland Police Officers witnessed Pianta's use of force at Santa Rita, and all four officers stated that the use of force was justified.

Officer Pianta stated that he did not intend to injure S [REDACTED] but that the takedown was intended to allow him to control S [REDACTED] and to stop her assault against him.

The incident was recorded on Santa Rita Jail surveillance video and on Oakland Police Officer body worn cameras. The video evidence supports that S [REDACTED] was combative. Pianta first attempted to control S [REDACTED] verbally, then with a control hold, and then by bracing her against the booking counter. S [REDACTED] did not comply, turned towards Pianta and attempted to strike his face with a hammer fist strike. Pianta then used a takedown in order

to control S [REDACTED] and to avoid further assault. It is unknown if Pianta was aware that OPD Officer Stolzman was holding S [REDACTED]'s right arm. When asked what OPD Officer Stolzman was doing at the time of the takedown, Pianta replied, "It appears -- that he was just trying to secure the purse at that time. It -- it -- it all happened so quickly."

Pianta documented the events leading to the takedown as follows in his police report narrative, *"While I had S [REDACTED] in a control hold, she began pulling away from me. I pushed her up against the counter in order to gain better control of her. She suddenly turned towards me and began violently punching with a closed fist at my face. Her strikes appeared as though they were missing my face by inches. I ordered her to get on the ground and she continued her assaultive behavior of attempting to strike me in the face. To protect myself from her attack and to stop her attack on me, I used an armbar take down and guided her to the ground. Upon guiding her to the ground she landed on her face and appeared to go unconscious."*

Internal Affairs asked Pianta to explain why he used the above verbiage in his to describe the takedown. Pianta replied, "It's my understanding that -- um -- that's how the -- um -- technique is conducted. Uh -- both my hands are on the subject, and it's -- um -- it's a circle down-type corkscrew motion -- um -- where you're essentially -- um -- guiding that person down towards the ground -- um -- where you have control of their -- their -- um -- their arms -- uh -- with both your hands. Um -- uh -- I've received -- uh -- uh -- training. I don't know -- uh -- I don't recall -- um -- uh -- where or -- um -- uh -- from who, but -- um -- it -- it's always been -- uh -- um -- specifically back -- uh -- when I worked in the prison -- um -- we used that term all the time -- guiding the subject to the ground -- um -- when we -- we talked about -- um -- this type of -- um -- uh -- maneuver."

Internal Affairs recounted to Pianta that he wrote in his report that he "guided" S [REDACTED] to the ground, and that when interviewed he stated that he "took" her to the ground and that he "pushed" her to the ground. Pianta was asked if he considered all of the above to be accurate statements, and he replied, "I do." Internal Affairs then asked Pianta if he considered anything in his report to be misleading or inaccurate, and he replied, "No."

Since Ms. S [REDACTED] was injured, it was important for the actions which led the injury to be documented accurately. Although it is unknown if Officer Pianta was purposely trying to be misleading in his police report, his documentation of the takedown was not an accurate description of what took place.

RECOMMENDATIONS

After reviewing the case, and based on the preponderance of evidence the Office of Internal Affairs makes the following recommendations of finding:

In regards to Sheehan's allegation of (Excessive) Force on the part of Officer Pianta, the allegation is **Not Sustained** for the following reasons:

- S█████ alleges that Pianta beat her at Santa Rita Jail until she lost consciousness, although S█████ states that she does not remember the incident.
- Pianta alleges that S█████ became uncooperative during the booking process after she had been unhandcuffed. S█████ reportedly would not let go of her purse when Pianta ordered her to do so.
- Pianta first ordered S█████ to let go of the purse, she did not comply.
- Pianta then attempted to control S█████ with a control hold, but she did not comply.
- Pianta then attempted to control S█████ by bracing her against the booking counter, but she did not comply. S█████ then turned to face Pianta and tried to strike his face with a hammer fist strike.
- Pianta performed a takedown in order to control S█████ and to avoid further assault. Oakland Officer Stolzman was holding S█████'s right arm at the time of the takedown. It is unknown if Pianta was aware that Stolzman was holding S█████'s right arm. When asked what OPD Officer Stolzman was doing at the time of the takedown, Pianta replied, "It appears -- that he was just trying to secure the purse at that time. It -- it -- it all happened so quickly."
- The four Oakland Police Officers who witnessed the incident stated that the use of force was justified.
- Pianta's use of force was recorded on Santa Rita Jail surveillance video and on Oakland Police Officer body worn cameras.
- Attorney Knorr asked Pianta, "The amount of force that you used -- when you conducted the takedown, was it in any way, any more than the amount of force that you would use typically when taking someone to the ground?" Pianta replied, "No." Knorr then asked, "So, did you only use the amount of force necessary to effectuate the takedown?" Pianta replied, "Yes."
- I (Haight) asked Pianta, "And the amount of force you were applying, was it based on the fact that she was -- smaller in size to you? Were you -- were you -- using any less force on her than you would, say, on me -- I weigh 215 pounds?" Pianta replied, "I don't believe so."
- Attorney Erich Knorr sent Internal Affairs an email on December 9, 2014, with the following letter from Officer Pianta to Internal Affairs as an attachment to the email: *After reviewing the tape-recording of my interview on November 6, 2014, I would like to clarify my response to one of your questions. The question, "Were you using any less force on her than you would on me, I weigh 215 pounds." I misunderstood the question at*

the time of the interview. I would like to clarify, that I did not use the same amount of force on her, as I would on someone of a larger stature. I used only the amount of force necessary to take her to the ground, so she would stop her attack. The level of force I use in any given situation varies depending on what is required to bring the individual suspect under control.

- It appears as though Pianta was justified in using force to overcome resistance and assault from S [REDACTED]
- When asked by Internal Affairs to explain why he wrote in his police report that he "guided" S [REDACTED] to the ground, Pianta replied as follows, *"It's my understanding that -- um -- that's how the -- um -- technique is conducted. Uh -- both my hands are on the subject, and it's -- um -- it's a circle down-type corkscrew motion -- um -- where you're essentially -- um -- guiding that person down towards the ground."* Based on video evidence, the takedown appeared to be forceful and dynamic with Pianta thrusting S [REDACTED] over his thigh and straight down to the floor. Had Pianta used a controlled circle down, corkscrew motion to guide S [REDACTED] to the floor, it seems much less likely that S [REDACTED] would have been injured.
- There does not appear to be enough evidence to either sustain or unfound the allegation that Pianta used excessive force upon Sheehan. Per Policy 300, officers are to *only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control.*

In regards to an administrative allegation of Performance (Report Writing Accuracy) on the part of Officer Pianta, the allegation is **Sustained** for the following reasons:

- Policy 201.2.14(p) states prohibits the following, *"Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation."*
- Officer Pianta documented the takedown of S [REDACTED] as follows in his police report: *While I had S [REDACTED] in a control hold, she began pulling away from me. I pushed her up against the counter in order to gain better control of her. She suddenly turned towards me and began violently punching with a closed fist at my face. Her strikes appeared as though they were missing my face by inches. I ordered her to get on the ground and she continued her assaultive behavior of attempting to strike me in the face. To protect myself from her attack and to stop her attack on me, I used an armbar take down and guided her to the ground. Upon guiding her to the ground she landed on her face and appeared to go unconscious. Moments later blood pooled onto the floor coming from her facial area. I placed her in the recovery position. Oakland police officers who were present summoned jail medical staff to provide aid to the suspect.*
- Officer Pianta noted in his police report and reiterated in his interview with Internal Affairs that he ordered S [REDACTED] to get on the ground just prior to performing the

takedown. That does not appear to be an accurate recollection on the part of Pianta. The audio from the Oakland Officers' video did not record Pianta ordering S█████ to get on the ground. Pianta stated, "Let go of it [purse]," and then, "Really?!" just prior to the takedown.

- When asked by Internal Affairs why he chose those words "[I] guided her to the ground" to describe what took place. Pianta replied, "It's my understanding that -- um -- that's how the -- um -- technique is conducted. Uh -- both my hands are on the subject, and it's -- um -- it's a circle down-type corkscrew motion -- um -- where you're essentially -- um -- guiding that person down towards the ground -- um -- where you have control of their -- their -- um -- their arms -- uh -- with both your hands. Um -- uh -- I've received -- uh -- uh -- training. I don't know -- uh -- I don't recall -- um -- uh -- where or -- um -- uh -- from who, but -- um -- it -- it's always been -- uh -- um -- specifically back -- uh -- when I worked in the prison -- um -- we used that term all the time -- guiding the subject to the ground -- um -- when we -- we talked about -- um -- this type of -- um -- uh -- maneuver."
- Internal Affairs recounted to Pianta that he wrote in his report that he "guided" S█████ to the ground, and that when interviewed he stated that he "took" her to the ground and that he "pushed" her to the ground. Pianta was asked if he considered all of the above to be accurate statements, and he replied, "I do."
- Internal Affairs then asked Pianta if he considered anything in his report to be misleading or inaccurate, and he replied, "No."
- Based on video evidence, the takedown appeared to be forceful and dynamic with Pianta thrusting S█████ over his thigh and straight down to the floor.
- Since Ms. S█████ was injured, it was important for the actions which led the injury to be documented accurately.
- Although it is unknown if Officer Pianta was purposely trying to be misleading in his police report, his documentation of the takedown was not an accurate description of what took place.

In regards to an administrative allegation of Policy/Procedure (AXON Video) on the part of Officer Pianta, the allegation is **Not Sustained** for the following reasons:

- Officer Pianta recorded his interaction with S█████ up until he entered Santa Rita jail.
- Internal Affairs asked Pianta why he deactivated his AXON camera once he entered the jail, and he replied, "Uh -- it -- it was my understanding that -- when we're going into another agency's jail -- you know, that -- that we must -- shut down our cameras, because they have their own cameras. Um -- at -- at that time, I -- believe it was their policy for other agencies just to -- turn their cameras off."
- Pianta stated he was told during the Field Training Program to turn off his camera when inside a jail facility, but he does not remember which FTO told him that.

- Santa Rita Jail does not have a policy to prohibit outside agency officers from recording audio/video inside the, as evidenced by the Oakland Officers recording this incident.
- The Department acknowledges that there was a period of time when some BART Officers and possibly Field Training Officers were under the impression that jail facilities did not allow recording. It is noted that the Department has since dispelled that misconception. Officers are required by policy to keep their cameras activated while entering jails. If any jail personnel instruct a BART Officer to turn off the camera, the officer is to inquire with a jail supervisor and advise the BART Watch Commander.

This investigation was conducted by Lieutenant Lance Haight and was completed on June 27, 2016. If you have any questions regarding this investigation, please contact Internal Affairs at (510) 464-7029.

EXHIBITS

The following is a list of evidence as it relates to this investigation:

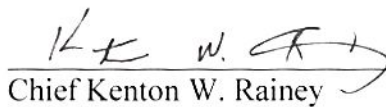
- A. Interviews and Transcriptions
 - 1. Officer Pianta
 - 2. Oakland Officer Phillips
 - 3. Oakland Officer Carter
 - 4. Oakland Officer Stolzman
 - 5. Oakland Officer Hight
- B. Santa Rita Video
- C. OPD Officer Videos
- D. Officer Pianta Video
- E. BART Police Reports 1403-2632
- F. Supervisor Use of Force Report 1403-2632
 - 1. Sheehan interview
 - 2. ACSO Technician Buckhout interview
- G. Claim filed by S [REDACTED]

CASE REVIEW

| EMPLOYEE | ALLEGATION | POLICY | FINDING |
|----------------|---------------------------------------|-------------|---------------|
| Officer Pianta | (Excessive) Force | 300.2 | Not Sustained |
| | Performance (Report Writing Accuracy) | 201.2.14(p) | Sustained |
| | Policy/Procedure (AXON Video) | 451 | Not Sustained |


Lieutenant Lance Haight 6/30/16
Date


Deputy Chief Benson Fairrow 07/06/16
Date


Chief Kenton W. Rainey 7/6/16
Date

Exhibits

- INTERVIEW -

1
2 Haight: This is a recorded interview, the date of this interview is November
3 6th, 2014. The time is approximately 1640 hours. I'm Lieutenant
4 Lance Haight, with me is Sergeant Aaron Togonon. We're
5 interviewing Officer Nolan Pianta as a subject of this in -- in --
6 investigation. He's being represented by his attorney -- uh -- Eric
7 Knorr, from Mastagni. This is in relation to BART Police case
8 number 1403-2632, it's an incident that occurred on March 17th,
9 2014 -- uh -- an arrest occurred of Miss M [REDACTED] S [REDACTED] at the
10 Lake Merritt BART Station about 1834 hours. Uh -- Officer Pianta
11 was -- uh -- instructed to transport Miss S [REDACTED] from Lake Merritt
12 to Santa Rita Jail for booking -- um -- and we'll be investigating --
13 uh -- his involvement with Miss -- Miss -- S [REDACTED] So -- uh --
14 Officer Pianta, can you recount -- uh -- your involvement in this
15 inst -- in this incident -- and -- uh -- um -- provide as much detail as
16 you can in regards to -- uh -- your contact with Miss S [REDACTED]
17 from -- uh -- when you first contacted her at Lake Merritt until -- uh --
18 - uh -- the incident concluded at the Santa Rita Jail.

19 Pianta: All right, yes.

20 Haight: Can you go ahead and just --

21 Pianta: Um -- on that date -- um -- I was -- uh -- instructed to -- um -- you
22 know, report to the Lake Merritt -- uh -- Police office to -- uh --
23 transport -- um -- uh -- Miss S [REDACTED], who was -- uh -- under
24 arrest. Uh -- I was -- uh -- assigned to transport her to the -- uh --
25 Santa Rita -- uh -- uh -- Santa Rita Jail. Um -- uh -- I -- I -- uh -- I
26 transported her to the jail -- um -- once at the jail -- um -- the -- you
27 know, the -- the -- deputies behind the counter had her -- uh -- step
28 up to the counter -- um -- and -- uh -- they -- they -- instructed me

1 to -- uh -- un-handcuff her. Um -- I un-handcuffed her -- um -- and I
2 believe that was -- uh -- for her to get her jewelry off. Um -- as she
3 -- after she was un-handcuffed, she was standing at the counter --
4 um -- she was putting a hair tie in her hair -- uh -- I -- uh --
5 instructed her that -- uh -- she wouldn't be able to take that into the
6 jail with her, you know, it had to stay with the property. Um -- at
7 that time, she turned around and she threw it at me, and it hit me in
8 -- uh -- in my hat, and -- um -- uh -- I didn't take any action at that
9 time, I just figured I'd -- uh -- add another charge for that at -- at --
10 at a later time. Um -- after that -- uh -- she began digging around in
11 her purse, which was on the counter -- um -- you know, and -- uh --
12 I, you know, I instructed her to let go of the purse, when she did not
13 comply -- um -- so I -- I -- grabbed her hand and placed her in a
14 arm bar -- um -- and I -- I -- um -- ordered her multiple times to let
15 go of the -- uh -- to let go -- um -- she then at -- at -- at the time --
16 uh -- kind of turned towards me, and -- um -- began -- uh --
17 attempting to strike me -- uh -- which appeared in the facial area --
18 um -- I can recall her -- uh -- fist coming within inches of my face.
19 Um -- um -- I ordered her -- um -- to get on the ground, she still did
20 not comply, and she didn't stop her and her attack against me. Uh
21 -- and at that time, I -- um -- utilized a -- um -- an arm bar
22 technique, and -- and -- um -- uh -- and took her to the ground to
23 stop her from a violent attack. Um -- at that point -- um -- uh -- she
24 appeared injured -- uh -- appeared to be unconscious, I'm not 100
25 percent sure whether she was or not, but -- um -- I placed her in
26 recovery position -- um -- I believe Oakland PD officers had -- uh --
27 um -- full -- told jail personnel to have their medical staff come out
28 to look at her. Um -- and while doing that -- uh -- I put her in

1 recovery position, and called for a code three medical -- uh --
2 sergeant to respond to my location. Um -- a medical responder
3 transported her to -- um -- the hospital, I don't know which hospital
4 it was. I followed the ambulance to the hospital, and -- uh -- once
5 at the hospital, I was relieved of (inaudible) officer.

6 Haight: Okay. Uh -- so I'd like to back up to the beginning, and just ask
7 some questions along the way. Um -- you first came in to contact
8 with Miss S [REDACTED] at the -- in the -- holding cell at Lake Merritt
9 BART Station -- uh -- where you were going to transfer her to
10 Santa Rita, and based on the video, it appears as though -- uh --
11 Miss S [REDACTED] complained about the -- the -- handcuffs -- uh --
12 were hurting her -- um -- and it looks like in the video, that you
13 inspected or adjusted the cuffs, do you remember doing that? And
14 -- and -- what is it -- what is it you did?

15 Pianta: Uh -- yes. Uh -- she was complaining that the handcuffs were -- uh
16 -- too tight on her wrists and were uncomfortable. Um -- so I -- uh --
17 - inspected the handcuffs, and I loosened them up a little bit for her
18 -- for her -- comfort.

19 Haight: And did you -- uh -- double lock them?

20 Pianta: I believe I did.

21 Haight: Is that something you normally do?

22 Pianta: Normally, yes, double lock and check for proper fit.

23 Haight: And when you adjusted them, did you adjust them properly so they
24 could be -- uh -- so they'd fit properly?

25 Pianta: Yes.

26 Haight: Uh -- was there a gap between her hands and the handcuffs?

27 Pianta: Uh -- I don't quite remember -- um -- but typically -- um -- when I
28 place a subject in handcuffs, I make sure there's a gap, so I can at

1 least put my pinkie -- uh -- between the handcuffs and -- uh -- that
2 person's hand, that it's not too tight.

3 Haight: Okay. And then -- uh -- you recorded the -- uh -- the drive from
4 Lake Merritt to Santa Rita on your Axon Flex, and -- uh -- it sounds
5 as though -- uh -- while en route, she's complaining about the
6 handcuffs, and you -- uh -- responded to her, do you remember
7 what you said to her about the handcuffs?

8 Pianta: Uh -- I said something to the effect of -- um -- you know, I -- I -- told
9 her to stop -- uh -- twisting her wrists around -- um -- uh -- because
10 that would cause the, you know, discomfort on the -- in the --
11 handcuffs.

12 Haight: What was -- uh -- Miss S [REDACTED]'s demeanor -- uh -- towards you
13 at -- at -- Lake Merritt and during the -- the -- transport?

14 Pianta: Uh -- she, for the most part, she was calm, and -- uh -- I would say
15 kind of joking towards me.

16 Haight: Do you remember what -- uh -- what she was saying or what she
17 was doing?

18 Pianta: Um -- uh -- uh -- I don't recall -- uh -- quite recall.

19 Haight: At one point on -- on -- on your -- uh -- video -- uh -- it sounds as
20 though Miss S [REDACTED] something about she needs to urinate? Did
21 -- uh -- did you hear her say that?

22 Pianta: I don't recall her saying that.

23 Haight: Okay -- um -- it sounds -- uh -- based on the video, this happened -
24 - uh -- when you were on the -- on the -- highway, I believe, is there
25 anything you could have done about it at that point?

26 Pianta: At that point, no.

27 Haight: Okay. And once you arrived at the jail -- um -- uh -- based on your
28 video, you opened the door, and you -- uh -- it appears as though

1 you noticed that she had urinated in the back seat of the patrol car,
2 can you explain what happened after that?

3 Pianta: Uh -- when I opened the door, it appeared -- uh -- that as though
4 there was -- um -- uh -- a puddle of a yellow liquid substance on
5 the floor, and I assumed it to urine, but -- um -- I, for the most part,
6 I asked if she urinated, and no, she said she didn't urinate in the
7 patrol car. She said something about urinating outside of the patrol
8 car, something to that effect.

9 Haight: At any point during the -- uh -- the drive to Santa Rita, did she -- did
10 she -- tell you that she needed to -- needed you to stop, because
11 she had to urinate?

12 Pianta: I don't believe so.

13 Haight: Now -- uh -- there is a break in your video -- um -- during the
14 transport, it -- it -- appears as though the -- the -- well, the video
15 does stop, and then a minute or two later, I don't know the exact
16 timing -- uh -- the -- the -- video resumes. Uh -- do you re -- do you
17 have an explanation about -- uh -- the gap in video?

18 Pianta: Uh -- I -- I -- do not. Uh -- I typically -- um -- when transporting a
19 female -- a female suspect, I typically -- uh -- have and want my
20 video recording the whole time.

21 Haight: On this occasion, did you notice that your video had stopped
22 recording, and then reactivate your camera?

23 Pianta: I did not.

24 Haight: Um -- so do you recall, or do have any explanation as to why
25 there's a gap in the video?

26 Pianta: I do not.

27 Haight: Did you intentionally -- uh -- turn your video off for a period of time?

28 Pianta: I did not.

1 Haight: Is this situation where if the -- if the -- video had stopped recording
2 inadvertently, and you noticed it, would you have turned it back on?
3 Pianta: Absolutely.
4 Haight: Is it -- uh -- is that what happened in this instance (inaudible)?
5 Pianta: It could have been if -- uh -- there's been times where -- um -- uh --
6 in the camera's, you know, if the cord -- uh -- get joggled or moved,
7 so the video will stop, and then -- um -- start up again -- uh -- which
8 I've -- uh -- seen happen -- uh -- if you're out wearing the camera.
9 Haight: Okay. Uh -- but you -- this incident happened some time ago, do
10 you have any specific recollection as to whether or not that
11 happened or -- or -- any other details about --
12 Pianta: No, I -- I -- did not know that the video -- uh -- stopped.
13 Haight: Okay. All right. Uh -- so after -- uh -- uh -- you took Miss S [REDACTED]
14 out of the patrol car -- uh -- you walked in the jail facility, and -- uh --
15 - based on video of yours, Miss S [REDACTED], you had her sit on a
16 bench waiting for your turn at the intake window -- um -- can you
17 describe her demeanor at that time?
18 Pianta: Uh -- I believe, calm, from what I can recollect.
19 Haight: And based on the video, it appears as though she has
20 conversation with Oakland officers who were there, do you
21 remember what that conversation was?
22 Pianta: Uh -- I believe it something sort of about urinating -- uh -- in the
23 patrol car.
24 Haight: And what was her demeanor -- what -- what -- was the nature of
25 that conversation?
26 Pianta: Uh -- she seemed -- uh -- jokingly.
27 Haight: Um -- the video also shows you -- you -- may have made a -- you
28 made some kind of a comment about -- uh -- her urinating in the

1 car -- uh -- what was that comment?

2 Pianta: I -- I -- I can't recall.

3 Haight: Uh -- as I reviewed the video, it appeared as though you -- you --

4 may have made a -- a -- comment, it could have been a joking

5 comment about adding a charge of her peeing in the car, was that --

6 - do you remember making that comment?

7 Pianta: Uh -- I don't -- I don't recall.

8 Haight: If you did, might it have been in kind of a -- a -- joking comment, or

9 -- uh -- is it something that you have considered adding a charge

10 for her peeing in the car?

11 Pianta: Uh -- if I did, it would have been a joking (inaudible).

12 Haight: Okay. Um -- and then at -- at -- at some -- at -- at -- at one point --

13 uh -- you turn off your camera, your -- your -- camera, you had it on

14 in the car, and then you had it on when you escorted her into the

15 jail, and then -- um -- shortly after entering the jail, you turned your

16 camera off -- uh -- can you explain why you turned your camera

17 off?

18 Pianta: Uh -- it -- it was my understanding that -- um -- when we're going

19 into another agency's jail -- um -- you know, that -- uh -- that we

20 must -- uh -- shut down our cameras, because they have their own

21 cameras. Um -- at -- at that time, I -- uh -- believe it was their policy

22 for other agents just to -- um -- turn their cameras off.

23 Haight: Is that for all jail or just specific to certain jails?

24 Pianta: Uh -- from -- from what I -- uh -- you know, from what I understood,

25 it was all jails.

26 Haight: And where -- where -- did you receive that information from?

27 Pianta: Uh -- I -- I don't specifically know who -- um -- uh -- just on FTO, I

28 remember, you know -- um -- just being instructed to, you know,

1 when you go into a jail, just turn -- turn -- your camera off.

2 Haight: Do you remember if you were instructed -- uh -- specifically about

3 Santa -- Ri -- Rita Jail, if you needed to turn your camera on, or off,

4 or not?

5 Pianta: I -- I -- don't specifically remember at -- um -- a certain jail, I mean,

6 I've -- I've -- worked at Santa Rita before, and it was always my

7 practice to -- uh -- turn off my camera going in to Santa Rita.

8 Haight: Okay. Uh -- from what I understand at some point, the jail staff --

9 uh -- advised you to take the handcuffs off Miss S [REDACTED], so that

10 she could remove her jewelry, is that correct?

11 Pianta: Yes.

12 Haight: And -- uh -- it was at that point that she -- uh -- threw a hairband or

13 flipped a hairband at you?

14 Pianta: Yes.

15 Haight: Uh -- and then, as you recounted earlier in your interview, you

16 stated that she was -- uh -- starting to go through her -- her --

17 purse.

18 Pianta: Yes.

19 Haight: And can you explain why you did not want her to go through her

20 purse?

21 Pianta: Uh -- I -- I -- didn't know if there was any -- um -- weapons in her

22 purse. Um -- plus -- um -- she wasn't allowed to -- to -- have her

23 purse -- uh -- because that was going into the -- uh -- uh -- property

24 at the jail.

25 Haight: Had you searched her purse prior to transporting her to jail?

26 Pianta: Uh -- I did not -- uh -- prior to transporting. Uh -- I did see on the

27 video, me looking into the purse, I don't recall -- um -- searching, I

28 don't -- I don't -- I'm not sure what I was looking for in there, but --

1 uh -- I -- uh -- didn't thoroughly search the purse, no.

2 Haight: And when you say that you were unsure if she had any weapons in

3 there, (inaudible) are you referring to literal weapons or other items

4 that could (overlapping)?

5 Pianta: Any -- any -- type like that could have been used as --

6 Haight: And as far as the purse itself, was an -- was an -- issue to you

7 whether or not Miss -- uh -- uh -- S [REDACTED] -- uh -- had her purse?

8 Pianta: Yes, because the purse could have been used as a weapon, so.

9 Haight: And -- and -- can you just recount what happened after you told her

10 not to go -- not -- not to -- uh -- go through her purse?

11 Pianta: Uh -- she didn't comply, so I -- um -- I grabbed her -- uh -- left arm

12 and placed it in a -- an -- arm board. Uh -- and she wouldn't let go

13 of the purse, I believe the -- the -- OPD guy came over and -- uh --

14 uh -- tried to take her purse away from her. Um -- you know, I -- I --

15 - I told her multiple times to let go of the purse, and she did not.

16 Haight: And what was her demeanor at this point?

17 Pianta: Uh -- she became angry.

18 Haight: What -- was she saying anything to you?

19 Pianta: Uh -- I believe so, but I don't recall what she was saying.

20 Haight: Uh -- according to your police report that -- uh -- at about this time,

21 that -- uh -- in your official report you said, I -- while I had S [REDACTED]

22 in a control, she began pulling away from me, and I pushed her

23 against the counter in order to gain better control of her. Uh -- can

24 you describe that portion of the incident?

25 Pianta: Uh -- yeah. Yes, she began to pull away from me, so -- um -- she

26 was standing near the counter, so I -- um -- you know, I engaged

27 the -- a -- a -- arm bar and pushed up towards the counter to -- uh --

28 - control her more.

1 Haight: And at that point was she facing towards your or away from you?
2 Pianta: Uh -- she was facing away from me.
3 Haight: Okay. And then what happened?
4 Pianta: Um -- and then as I was doing that -- um -- she quickly twirl --
5 turned -- towards me -- um -- and -- uh -- with her right -- uh -- arm
6 and her closed fist -- uh -- she began -- uh -- swinging towards my
7 facial area.
8 Haight: And -- uh -- how many times did she do that?
9 Pianta: Um -- I believe two to three times.
10 Haight: Okay. So you -- you -- pushing her against the counter and
11 controlling her arm, was that -- uh -- effective?
12 Pianta: It was not effective.
13 Haight: And then -- and then -- what happened?
14 Pianta: Um -- uh -- I ordered her to get on the ground -- um -- uh -- she did
15 not comply, and -- and -- she continued to attempt to strike me in
16 the face, so I did a -- a -- arm bar takedown.
17 Haight: And can you describe that takedown?
18 Pianta: Um -- uh -- I basically pulled her back towards my left side and
19 pushed down -- uh -- towards the ground.
20 Haight: Now, is that something you've been trained to do?
21 Pianta: Yes.
22 Haight: And where have you been trained to do that?
23 Pianta: The police academy.
24 Haight: Uh -- uh -- have they also trained that here at the department, have
25 you been through department training?
26 Pianta: Yes, department training, yes.
27 Haight: Um -- and can you describe -- uh -- her level of resistance at this
28 point?

1 Pianta: Once on the ground?

2 Haight: No, just -- just -- prior to the takedown.

3 Pianta: Prior to the takedown -- um -- she was -- uh -- fully resisting, and --

4 uh -- violent.

5 Haight: Can you characterize -- uh -- the amount of force that you used in a

6 -- applying this takedown?

7 Pianta: Um -- you know, I -- I -- used -- uh -- um -- you know, a reasonable

8 amount of force to -- uh -- uh -- to have her stop her attack on me.

9 Haight: And -- uh -- can you describe how she -- how she -- landed on the

10 ground?

11 Pianta: Um -- uh -- to me it appears -- it appears -- as though she -- um --

12 landed head first on her face on the ground.

13 Haight: And was that your intent?

14 Pianta: It was not my intent.

15 Haight: Can you just elaborate on that?

16 Pianta: Uh -- my intent was to get her on the ground so that I could better

17 control her -- uh -- to stop her -- uh -- kind of violent attack towards

18 me.

19 Haight: And so -- uh -- if you didn't intend on her head hitting the ground,

20 what did you intend on that being --

21 Pianta: Uh -- just -- uh -- getting her -- uh -- flat on the ground.

22 Haight: And then can you -- you -- what happened after that?

23 Pianta: Um -- after -- uh -- she was on the ground -- um -- there was -- uh --

24 - no movement from her. Uh -- and I -- uh -- attempted to place her

25 in a recovery position.

26 Haight: And so, did you intentionally -- uh -- throw her onto the ground

27 head first?

28 Pianta: No.

1 Haight: Uh -- do you have an explanation as to how that happened? As
2 you said, you recounted that it looked to you as though -- as
3 though -- it's like she hit the ground head first, can you have any
4 explanation as to how that happened?

5 Pianta: Um -- just -- uh -- um -- my only thing is, when it -- her momentum --
6 -- uh -- was going that way -- um -- while she was swinging, and --
7 um -- you know, my -- um -- movement down towards the ground
8 and her momentum going that way -- um -- maybe -- it may have
9 been the result why she landed how she did.

10 Haight: And was the Oakland officer doing at that time?

11 Pianta: Uh -- I believe he was -- uh -- trying to secure the purse from her.

12 Haight: Did he have a -- a -- grasp on her person that you know of?

13 Pianta: I don't -- I don't -- recall.

14 Haight: Uh -- can you refer to your -- uh -- police narrative? It says in your
15 police narrative that I -- that -- uh -- this is while you're still
16 standing, I grabbed on to S [REDACTED]'s left arm and placed her in an
17 arm bar control in order to gain compliance. Oakland Police Officer
18 Stolzman grabbed the purse, removed it from her grasp. While I
19 had S [REDACTED] in a control hold, she began pulling away from me, I
20 pushed her against the counter, so -- uh -- does that refresh your
21 memory at all as to what Officer Stolzman was doing after he
22 attempted to retrieve the purse?

23 Pianta: Um -- no.

24 Haight: Okay. So -- uh -- with that in mind, do you know what Officer
25 Stolzman was doing -- uh -- during the takedown?

26 Pianta: Uh -- it appears -- uh -- that he was just trying to secure the
27 purse at that time. It -- it -- it all happened so quickly.

28 Haight: Okay. So after the takedown, after medical personnel had been --

1 uh -- uh -- responded, and -- and -- fire was en route or had
2 responded -- uh -- uh -- it sounds as though you told another police
3 officer -- uh -- she tried to hit me, so I just took her to the ground,
4 and she went hard, unfortunately. Uh -- can you explain what you
5 meant by that?

6 Pianta: Um -- it's because she, you know, she was trying to hit me, and --
7 uh -- when I took her to the ground -- uh -- it appeared that she
8 landed on it really hard -- uh -- and absorbing -- uh -- all the impact
9 on her -- on her -- facial area.

10 Haight: And can you just elaborate on what you meant by unfortunately?

11 Pianta: Um -- you know, I -- I -- didn't - I didn't -- uh -- mean for her to -- um
12 -- you know, sustain -- uh -- injuries -- uh -- to her face like that.

13 Haight: Uh -- just -- uh -- to recap -- uh -- did -- did you use any unlawful or
14 undue or unnecessary force -- uh -- against Miss S [REDACTED]?

15 Pianta: No.

16 Haight: I -- I -- do need to go back -- uh -- I neglected to ask, based on --
17 based on -- the -- uh -- the video -- um -- when you're driving
18 towards the jail, in some portions of the vid -- the video -- it appears
19 as though the vehicle engine is revving -- um -- more than normal, I
20 guess I would characterize it in that you may be traveling faster
21 than the cars around you, can you -- uh -- recount -- uh -- your
22 driving practices during the transport?

23 Pianta: Uh -- I don't -- I don't recall the -- um -- the -- the speeds that I was
24 going -- uh -- during transport. Um -- (inaudible) you're -- uh --
25 normally -- um -- I typically drive -- um -- safely -- um -- but I don't
26 recall how fast I was going.

27 Haight: At any point in the transporting of Miss S [REDACTED] were you driving -
28 - uh -- unsafely?

1 Pianta: No.

2 Haight: Uh -- were you in a particular -- uh -- hurry to get to the jail for any
3 reason?

4 Pianta: Uh -- I don't believe so.

5 Haight: Um -- were you -- to your knowledge, were you violating any -- uh --
6 - speed limits?

7 Pianta: Uh -- I -- I don't -- I don't recall what my speed was (inaudible).

8 Haight: But as you just recounted, you were driving safely?

9 Pianta: Yes.

10 Haight: Uh --

11 Togonon: Just a couple of questions that -- uh -- I wanted to -- um -- you used
12 -- uh -- you -- you said force to take her down on the ground when
13 she was resisting and pulling away, is that correct?

14 Pianta: Uh -- yes.

15 Togonon: (Inaudible) was your intent to harm, injure, or --uh -- otherwise hurt
16 Miss S [REDACTED]?

17 Pianta: No.

18 Togonon: During the arrest, why did you use force?

19 Pianta: Uh -- to stop her -- uh -- attack.

20 Togonon: Okay. Earlier, you attest -- uh -- had -- had made a statement that
21 Miss S [REDACTED] threw a hairband at you, did this make you mad?

22 Pianta: Um -- yes.

23 Togonon: The fact that you were upset or -- or -- mad -- um -- have anything
24 to do with the way you conducted yourself towards Miss S [REDACTED]
25 at any point?

26 Pianta: No.

27 Haight: Uh -- I neglected to ask you, at one point -- uh -- you're -- uh --
28 about your (inaudible), you're at the counter with Miss S [REDACTED].

1 and -- uh -- she begins to go through her purse, at one point in the
2 video, it appears as though you may have your handcuffs in your
3 hand -- uh -- do you remember if you did and what your intent was?
4 Pianta: Um -- I don't recall if I had cuffs in my hand. Uh -- normally -- uh --
5 when I'm handcuffing somebody -- um -- I don't know, I usually put
6 my handcuffs -- um -- back in my pouch. I -- I -- I actually -- I don't
7 even know if they were my handcuffs, they might have been my
8 partner's handcuffs -- um -- from when they cuffed her up initially.
9 Um -- and normally -- uh -- when I -- I -- have somebody else's
10 handcuffs, (inaudible) because everybody had them, I don't
11 (inaudible), but I don't recall if I they were in my hands at -- at -- the
12 time.

13 Haight: Do you remember any point during the initial -- uh -- when she's
14 going through her purse, you're trying to get her to stop going
15 through her purse, and you - you -- you -- uh -- and you use a
16 control hold, were -- were -- you attempting to handcuff her at that
17 point?

18 Pianta: I was attempting to gain control of her, and -- um -- you know, the -
19 - um -- once getting her controlled, I would have handcuffed her.

20 Haight: Okay. And so at that -- at that -- point -- uh -- was it your intent to -
21 - uh -- place her on the ground and -- and -- per -- perform a
22 takedown and place her on the ground?

23 Pianta: Not -- not -- before she started striking -- her striking -- at me.

24 Haight: Okay. And so -- uh -- we've already been through this, but just --
25 uh -- to reiterate, so how did the scenario change from you trying to
26 just secure her at the -- at the -- counter in a control hold, to -- to --
27 taking her down to the ground?

28 Pianta: Uh -- once she started -- um -- the -- basically, the arm bar was --

1 was -- ineffective -- um -- she was able to -- uh -- turn towards me
2 and begin striking -- uh -- at me. Um -- and at that time -- um -- to
3 stop her -- uh -- violent attack, I -- uh -- used an arm bar takedown.
4 Haight: Okay. And you may have already said this, but did she ever make
5 contact with your -- when she was trying to strike you?
6 Pianta: Uh -- not to my face -- um -- I -- I -- don't recall if she was hitting my
7 arm or not -- um -- uh -- so I'm -- I'm -- I'm not 100 percent sure if
8 she made contact with -- with -- if her punches landed or not, but I
9 know that they did not -- uh -- hit my face.
10 Togonon: And just -- can you just describe or characterize your overall
11 conduct throughout this incident?
12 Pianta: Um -- I -- I feel I was professional.
13 Haight: And -- uh -- was -- was any of your contacting in -- in -- any type of
14 -- of -- retaliation to Miss S [REDACTED] -- uh -- urinating in the back of
15 the patrol car?
16 Pianta: No.
17 Knorr: The amount of force that you used -- um -- when you conducted
18 the takedown, was it in any way, any more than the amount of
19 force that you would use typically when taking someone to the
20 ground?
21 Pianta: No.
22 Knorr: So, did you only use the amount of force necessary to effectuate
23 the takedown?
24 Pianta: Yes.
25 Knorr: That's all I have.
26 Haight: And the amount of force you were applying, was it based on the
27 fact that she was a -- a -- a -- smaller in size to you? Were you --
28 were you -- using any less force on her than you would, say, on me

1 if I weighed 215 pounds?
2 Pianta: Uh -- I don't believe so.
3 Haight: So I -- I'd -- I should -- maybe if I said it a different way. Were you
4 using any -- any -- more force than what was necessary in order to
5 place her on the ground?
6 Pianta: No.
7 Haight: Okay, that's all I have.
8 Male: Nothing else.
9 Haight: If there's nothing further, we'll end the interview, and it is -- uh --
10 1711 hours. (Recording ends.)

11 - INTERVIEW CONCLUDED -
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- INTERVIEW -

1
2 Haight: This is a recording. Today's date of this interview is July 17th, 2015.
3 The time is approximately 1558 hours. I'm Lieutenant Lance
4 Haight. I'm interviewing Officer Nolan Pianta, who's the subject of
5 this investigation. Officer Pianta is represented by his attorney,
6 Erich Knorr, from Mastagni. This is a follow-up interview. Uh -- our
7 initial interview was on -- took place on November 6th, 2014. Prior
8 to this follow-up interview, I -- uh -- sent you a copy of your -- of the
9 -- a transcript of that initial interview as well as a -- uh -- follow-up
10 question -- follow-up letter that -- that you had sent me. Uh -- for
11 the record -- uh -- the Lybarger Admi -- Admonishment that we
12 administered to you on November 6th, 2014 is still in -- in effect for
13 this investigation, and -- uh -- this is a compelled statement, and
14 you are obligated to -- uh -- tell the truth. And I just want to ask --
15 uh -- a follow-up question in regards -- uh -- to an administrative --
16 uh -- allegation of -- uh -- report writing. As you wrote in your report
17 -- um -- on the -- on the date of that incident -- uh -- the incident
18 occurred on March 17th, 2000 -- 2014, and it appears as though you
19 wrote your report in the early morning hours of March 18th. But --
20 uh -- you wrote in your report, and I have a copy here in front of
21 myself -- um -- uh -- at one point in the report, you say that, "To
22 protect myself from her attack and to stop her attack on me, I used
23 an arm bar takedown and guided her to the ground. Upon guiding
24 her to the ground, she landed on her face and appeared to go
25 unconscious." Uh -- pardon me, though. Befo -- before I ask a
26 question in regards to that specific comment, I did want to ask just
27 generally -- um -- what type of training have you received -- uh -- be
28 it in the -- uh -- police academy, field training, or advanced

1 opportunity here at the department in regards to how to document a
2 use of force?

3 Pianta: Uh -- I've received training on to -- uh -- document all the facts in
4 the use of force.

5 Haight: And how do you -- how do you generally do that?

6 Pianta: Um -- in -- uh -- writing down what happened in the police report.

7 Haight: Okay. So in this specific incidence -- uh -- you documented that
8 you used an arm bar takedown and guided her to the ground. Uh --
9 can you explain -- uh -- why you -- you -- you used those words to
10 describe -- uh -- what took place?

11 Pianta: It -- it's my understanding that -- um -- that's how the -- um --
12 technique is conducted. Uh -- both my hands are on the subject,
13 and it's -- um -- it's a circle down-type corkscrew motion -- um --
14 where you're essentially -- um -- guiding that person down towards
15 the ground -- um -- where you have control of their -- their -- um --
16 their arms -- uh -- with both your hands. Um -- uh -- I've received --
17 uh -- uh -- training. I don't know -- uh -- I don't recall -- um -- uh --
18 where or -- um -- uh -- from who, but -- um -- it -- it's always been --
19 uh -- um -- specifically back -- uh -- when I worked in the prison --
20 um -- we used that term all the time -- guiding the subject to the
21 ground -- um -- when we -- we talked about -- um -- this type of --
22 um -- uh -- maneuver.

23 Haight: Okay. And -- uh -- when you were interviewed -- uh -- on
24 November 6th, you also described the -- uh -- incident as follows.
25 You said, I used an arm bar technique and took her to the ground
26 to stop her from a violent attack. You relayed in the interview -- um
27 -- you s -- when asked to describe the takedown, you said, I
28 basically pulled her back towards my left side and pushed down

1 towards the ground. So in your report you referenced guided.
2 Here you said you took her to the ground or pushed her to the
3 ground. Do you consider all of those -- uh -- to be accurate
4 statements?

5 Pianta: I do.

6 Haight: And do you consider anything -- uh -- in your report, in your -- in
7 your statement to Infer -- Internal Affairs to be misleading or
8 inaccurate in any way?

9 Pianta: No.

10 Haight: Uh -- so can you say that in -- when you were writing your report,
11 you did so in -- in good faith, with the intent to describe what
12 actually took place?

13 Pianta: Yes.

14 Haight: And you maintain that that's what -- that that was the intent and the
15 effect of what you wrote down?

16 Pianta: Yes.

17 Haight: Uh -- if there's no further questions, then I will end the interview,
18 and it is 1603 hours. (Recording Ends)

19 - INTERVIEW CONCLUDED -
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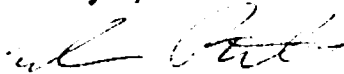
Lieutenant Lance Haight
Office of Internal Affairs, BART Police Department
800 Madison Street
P.O. Box 12688
Oakland, California 94604-2688

Re: Clarification of Response

Lt. Haight:

After reviewing the tape-recording of my interview on November 6, 2014, I would like to clarify my response to one of your questions. The question "Were you using any less force on her than you would on me- I weigh 215 pounds." I misunderstood the question at the time of the interview. I would like to clarify, that I did not use the same amount of force on her, as I would on someone of a larger stature. I used only the amount of force necessary to take her to the ground, so she would stop her attack. The level of force I use in any given situation varies depending on what is required to bring the individual suspect under control.

Thank you,



Nolan Pianta

- INTERVIEW -

1
2 Haight: This recorded interview. The date of this interview is December 29,
3 2014. The time is approximately 1529 hours. I'm Lieutenant Lance
4 Haight. I'm interview -- interviewing Oakland Police Officer Paul
5 Philips who is a witness to my administrated investigation. Uh --
6 and, Officer Philips, begin we get started; I need to advise you that
7 I'm not investigating you and you in anyway. I've not received any
8 complaints against you. Had -- had I received any set of
9 complaints, I would not investigate them, but I'll report to your
10 department. I'm interviewing you only as a witness to our
11 administrated against the investigation regarding -- um -- the
12 conduct of one our officers, officer Pianta and an incident that
13 occurred on March 17th of this year at about -- uh -- 8:20 in the
14 evening at the Santa Rita Jail. Uh -- you were there with your
15 partner Kitrel Carter. And -- uh -- you were booking an unrelated
16 prisoner. At the time officer -- BART officer -- uh -- Nolan Pianta
17 was -- uh -- booking one by the name -- um -- M [REDACTED] S [REDACTED] --
18 uh -- at the jail. Uh -- do you recall this incident?

19 Philips: Uh -- yes, I do.

20 Haight: Uh -- just for the record, prior to this interview, we reviewed the
21 OPD, body camera video and also Santa Rita -- uh -- um --
22 surveillance video -- uh -- to refresh your memory. Can you tell me
23 what you remember about the incident?

24 Philips: Uh -- that night -- uh -- it was -- um -- Saint Patrick's Day, March
25 17th, we were taking a transport from our criminal investigative
26 division to Santa Rita. Um -- we were in the process of booking
27 ours when -- um -- BART arrived with a very intoxicated female.
28 Um -- the female had -- was jabbering about urinating on herself --

1 um -- and laughing about it. And making fun of herself being
2 arrested for it. Um -- the Bart officer, the whole time was very
3 professional and -- um -- put her to the side while we finished ours,
4 and at some points, the Santa Rita Jail technician or officer called
5 her up to the window -- uh -- I don't recall actually seeing him
6 unhand cuffed her at all. To take her hair stuff out like we do for
7 females -- uh -- or at least the Oakland Police. Um -- I do recall
8 looking at her at the point where -- uh -- she was getting her stuff
9 out of her hair and then I heard her -- I heard -- uh -- the officer say
10 something and I had seen her turned around and I saw a hair band
11 flicked at him -- um -- at that point she reaches into her purse -- um
12 -- I noticed the officer looking at the purse -- um -- and then he
13 goes to stop her from reaching in her purse, because I believed
14 that he had not, I took that he inserted that he was stopping her
15 from doing that. Um -- again myself as an officer, I will be
16 concerned that there was a weapon in there. Uh -- he walked up
17 on her to stop her, grabbed her arm said you can't do that. That's
18 when she got angry at him and said what -- whatever she was -- uh
19 -- going after. Um -- another Oakland Police Officer went to assist
20 him and -- uh --

21 Haight: Who was the officer?

22 Phillips: -- Officer Michael Stolzman.

23 Haight: Yeah.

24 Phillips: Um -- he went over to assist and he -- uh -- or she -- uh -- I'm sorry
25 got the band wrist the ER officer. The BART officer got the band
26 wrist on -- uh -- the lady in custody. But she had freed other hand
27 or she turned around and tried to swing on the officer. At which
28 point, it appeared from my angle -- uh -- and I was about three to

1 five feet -- uh -- directly away from them. It appeared that the
2 officer took a step back to protect himself. And then -- uh -- put her
3 down on the ground, not in a shoving or slamming manner, but in a
4 way that -- that we were trained to put -- put them in hand kind of
5 back and she -- I did not see her tripped. I couldn't tell if there was
6 a trip -- uh -- I just saw her go straight to the ground.

7 Haight: Uh -- so you -- you saw -- was it the -- uh -- Officer Pianta or
8 Officer Stolzman that -- that took her to the ground?

9 Philips: It appeared that the BART officer.

10 Haight: Okay and -- um -- you recalled that you didn't see a trip. Did you
11 see any -- what -- what type of commotion that he used for the take
12 down?

13 Philips: I don't know if it was by him -- uh -- just getting out of her way and
14 having one arm and -- um -- her being intoxicated that she went off
15 balance and her body weight with him going down -- uh -- added to
16 it. Uh -- I wasn't looking at anyone's feet to see if there was any
17 trip. Uh -- but I didn't see any officer, the BART officer nor the
18 Oakland officer shoving her.

19 Haight: Um -- from what you witnessed and base on your training
20 experience, was the use of force under the circumstances justified?

21 Philips: Yes.

22 Haight: And why so?

23 Philips: Well, encountering an intoxicated subject -- um -- you don't know
24 the demeanor. She started off very happy and making fun of
25 herself at the beginning of this. Uh -- she became -- uh --
26 increasingly hostile at the officer. Uh -- told her she can't have
27 certain items, you know, the hair band -- uh -- she then reach into
28 her purse which you know, I've never asked if he searched her

1 before or after the matter if he searched her beforehand obviously
2 it appeared by him saying no to her, I took it that, well he didn't
3 search her yet. So she shouldn't -- her hand shouldn't be in there.
4 I don't what she was grabbing, could be getting a weapon -- um --
5 so he went to stop that and based on that, she got extremely upset
6 to the point where she now wants to use her force, her skill and
7 abilities which we don't know what they are. She was going to
8 punch, throw, choke, poke at the officer. So him, the BART officer
9 did the right thing in my eyes by getting out of the way to protect
10 himself first. He -- he still had the control of her now her going
11 down on the ground, again I didn't see a push. So, if it was based
12 on just sheer physics of her body movement and him moving out of
13 her because she was drunk, that's fine.

14 Haight: Did you see excessive or unlawful force on the part of Officer
15 Pianta?

16 Philips: No.

17 Haight: Did Officer Pianta make any statement after the fact that to why he
18 used force?

19 Philips: Not to me.

20 Haight: Can you think of anything else that would be important for me to
21 know about this incident?

22 Philips: Not that I can think of.

23 Haight: Can you describe officer Pianta's demeanor -- uh -- throughout this
24 contact?

25 Philips: Very professional and then very worried after the fact. He -- um --
26 he stayed down with her once she went hit the ground trying to get
27 help. Uh -- the three Oakland Officers that were there, myself,
28 Officer Kitrel and Officer Stolzman. Officer Stolzman's partner, it

1 may have been a trainee at the time, I'm not sure. Had their
2 prisoner in custody well away from the area -- um -- our radio don't
3 work at Santa Rita. I don't know if BART's do -- um -- when we
4 were trying to tell Santa Rita personnel to call for help and get the
5 nurses out there. They said we had to call -- um -- we -- uh -- uh --
6 let the BART officer be known that just to talk to her, trying to keep
7 and see if she is awake, see what's going on. He got very worried
8 for her safety once she was on the ground. At no time, did he --
9 was he unprofessional. He -- first thing was control the scene and
10 then, you know, as a first responder, you tend to the next problem
11 which is now the medical issues and he did that.

12 Haight: Okay, so you mentioned earlier that he was worried. Moments ago
13 you mentioned that he worried for her. Was there anything else
14 that -- that you claimed that he was worried about other than her --
15 her safety?

16 Phillips: I don't think so. Uh -- I didn't talk to him like debrief with him
17 afterwards. I don't know what was going on in his mind. I -- just
18 his facial expression, he was worried for her safety -- um -- once
19 she got the gurney, I remember handcuffs going on at that point,
20 then it became again officer's safety issue. She was alert and she
21 was talking to medics so at that point it became, okay she is talking
22 so she can be violent again. Let's secure her. So I -- he's trained
23 the same way we are in Oakland -- uh -- you know -- uh -- tend to
24 the primary issue first which is scene security, safety, personnel,
25 medics, that kind of stuff.

26 Haight: Okay, there's nothing further. Is there anything further?

27 Phillips: No, sir.

28 Haight: And we'll end the interview and it is -- uh -- 1538 hours. (Recording

Ends)

- INTERVIEW CONCLUDED -

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- INTERVIEW -

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2 Carter: This is a recorded interview. The date of this interview is
3 December 29th, 2014. The time is approximately 1540 hours. I'm
4 Lieutenant Lance Haight. I'm interviewing Oakland Police Officer
5 Kitrel Carter as a witness to our BART Police Administrative
6 Investigation. I'll advise you, Officer Carter, that you are not the
7 subject of our investigation in any way. We have not received any
8 complaints against you. If I had received any complaints, I would
9 have forwarded them to your Internal Affairs Department and I
10 would not be interviewing you in regards to those complaints. I'm
11 interviewing you as a witness only. Uh -- uh -- do you have any
12 questions about that?

13 Carter: No, sir.

14 Haight: Okay -- uh -- all right, this is in regards to an incident that occurred
15 on March 17th of 2014 at the Santa Rita Jail, at about 8:20 in the
16 evening. Uh -- what I understand -- from what I understand, you
17 and your -- um -- Oakland Police Officer partner Paul Philips were
18 at the Santa Rita Jail booking unrelated -- um -- prisoner while
19 BART Police Officer Nolan Pianta was booking -- um -- a woman
20 by the name of M [REDACTED] S [REDACTED] -- uh -- who was arrested for being
21 intoxicated in public. Uh -- do you recall this incident?

22 Carter: Yes, sir.

23 Haight: Uh -- just for your information purposes, prior to interview -- uh --
24 we reviewed the Oakland Police body camera video and also the --
25 um -- Santa Rita surveillance video just to refresh your memory of
26 this incident. Uh -- can you tell me what you remember about this
27 incident?

28 Carter: Uh -- I remember seeing Officer -- I -- I forgot how to pronounce his

1 name, Pianta?

2 Haight: Pianta.

3 Carter: Pianta are there with a young lady, I don't remember her name.

4 Um -- initially she was sitting down on the bench -- um -- but then I

5 believed one of the technicians there called them up to the window

6 so that they could begin the process of booking her into jail. Um --

7 as he was there -- uh -- I think he un-handcuffed her, but then --

8 um -- I -- I believe she -- she was turning around and she had like a

9 hair tie or something and she flung it at him and it struck him and

10 then he said something to her and she kind of started to get very

11 belligerent so I believed that they were trying to place her back in

12 handcuffs because of her demeanor. And at that time, she turned

13 around and she had a clenched fist and she was striking Officer

14 Pianta. So that's when I saw him take her down to the ground.

15 Haight: Okay, when you said that she was striking him, did you see -- uh --

16 whether or not she made contact with him?

17 Carter: Yes, she made contact with him.

18 Haight: And what part of his body did she strike?

19 Carter: I believe she hit him in his face and the upper facial area.

20 Haight: Okay and that was with -- uh -- um -- her right or left hand? Do you

21 remember?

22 Carter: Her right hand with a clenched fist.

23 Haight: With clench fist and what -- what type of throw was it -- uh --

24 Carter: It looked like just a takedown when he just grabbed her body and

25 took her down the ground.

26 Haight: Okay, were there any other officers involved in -- um -- the use of

27 force for the takedown?

28 Carter: No, sir.

1 Haight: Uh -- from what I understand officer Stolzman -- Oakland Police
2 Officer, Officer Stolzman was also at the scene, did you witness
3 anything that -- that -- uh -- that he did?
4 Carter: No, sir.
5 Haight: Okay -- um -- so based on your training and experience -- um -- the
6 use of force by Officer Pianta, was it justified?
7 Carter: Absolutely.
8 Haight: And can you explain why?
9 Carter: Because he'd given her commands to comply, she wasn't
10 complying. She struck him so -- uh -- he didn't really have any
11 other options. Uh -- he wasn't going to just stand there and
12 continue to be assaulted. So, he did the takedown in order to get
13 her under control and place her back in handcuffs.
14 Haight: And can you remember what commands he was giving her that
15 she was not following?
16 Carter: Well, I specifically remember he was telling her put her hands
17 behind her back, but she wouldn't do it.
18 Haight: Okay -- um -- did you see any use of force on the -- on the part of
19 Officer Pianta that was unnecessary or excessive?
20 Carter: No, not at all.
21 Haight: Uh -- did you see -- did it appear to you as though -- uh -- Officer
22 Pianta was intentionally trying to hurt Ms. Pianta or -- uh -- Ms.
23 S[REDACTED]?
24 Carter: No.
25 Haight: And what happened after -- uh -- Ms. -- uh -- S[REDACTED] was taken to --
26 taken to the ground?
27 Carter: Um -- I believe -- uh -- Officer Stolzman and myself were trying to
28 notify the Santa Rita staff to call medical attention because she

1 looked like she was hurt.

2 Haight: Can you describe officer Pianta's demeanor -- um -- before the use
3 of force and -- and then after the use of force?

4 Carter: Very calm, restrained as opposed to what he could have been.
5 He's a very calm, restrained professional.

6 Haight: And then after use of force -- after -- after the use of force, did he --
7 uh -- say anything to you?

8 Carter: No, I don't recall him saying anything to me.

9 Haight: And what was his demeanor afterwards?

10 Carter: The same, he was calm and trying to render aid to the young lady.
11 That was it.

12 Haight: Did you witness any conduct on officer -- on the part of Officer
13 Pianta that gave you any cause for concern into how he acted?

14 Carter: No, not at all.

15 Haight: And can you describe -- um -- Ms. S [REDACTED]'s demeanor -- uh --
16 throughout this incident?

17 Carter: Well, I can obviously tell that she was intoxicated -- um -- she was
18 loud. She was very belligerent, and she was making a reference to
19 how she urinated in his car while he was booking her into jail, so.

20 Haight: I have -- uh -- no further questions. Do you have anything further
21 that would be important for me to know for my investigation?

22 Carter: No, sir.

23 Haight: Okay, if there is nothing further I'll end the interview and it is 1545
24 hours. (Recording Ends)

25 - INTERVIEW CONCLUDED -
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- INTERVIEW -

1
2 Haight: -- the interview. The date of this interview is February 18th, 2015. I
3 am Lieutenant Lance Haight. I'm speaking on -- on -- the phone
4 with -- uh -- Oakland Police Officer Mike Stolzman, who is a
5 witness to this investigation. Officer Stolzman, I'm -- uh --
6 interviewing you as a witness, I have no allegations of misconduct
7 against you, if I did, I'd refer those to your -- your -- department, but
8 as I have such -- as -- as I have no allegations against you -- um --
9 I'm interviewing you as a witness only. If during the curse -- course
10 of this investigation -- um -- it becomes apparent to me by
11 statements made by you, that you may be a subject of -- of --
12 potential misconduct, I'll end the interview and refer -- uh -- that
13 matter to your police department, do you understand that you're
14 being interviewed as a witness only?

15 Stolzman: Yes, sir.

16 Haight: Okay, this regards an incident that occurred on March 17th of 2014
17 at about -- uh -- 2020 hours at -- in the Santa Rita Jail in Dublin,
18 California. BART Police Officer Pianta was booking a woman by
19 the Ms. -- name of -- uh -- Ms. Sheehan at that scene -- at Santa
20 Rita Jail -- uh -- do you recall this incident?

21 Stolzman: I do.

22 Haight: And can you tell me what you remember about it?

23 Stolzman: Sure. Uh -- at the time, I was -- uh -- working as a uniformed police
24 officer. We had -- uh -- were in the process of transporting a in-
25 custody that we had from the City of Oakland, and we're inside the
26 -- uh -- the sally port there at the Santa Rita Jail. Um -- I noticed
27 that a BART officer -- um -- had a female, White -- uh -- in custody
28 for unknown reasons. Uh -- at the time, my first view of her -- uh --

1 she was seated on a -- uh -- bench, I guess a concrete bench there
2 inside the Santa Rita Jail. Uh -- throughout the -- uh -- for the next
3 several minutes after I saw her, I was in the process -- uh -- of
4 standing around talking with some of my partners -- uh -- from the
5 Oakland Police Department that were there, as well as the in-
6 custody that we had. Uh -- during which time -- uh -- I noticed that
7 -- uh -- the female -- uh -- that the BART officer had in custody --
8 uh -- appeared to be -- uh -- uh -- intoxicated. Uh -- I based this
9 decision -- uh -- based on her slurred speech -- uh -- belligerent
10 behavior. Um -- a short time later -- uh -- she was escorted up to
11 the window -- uh -- to deal with the technicians at the Santa Rita
12 Jail, as far as some administrative paperwork -- uh -- which would
13 include the -- uh -- signing of -- uh -- property and such. Um -- my
14 attention was drawn -- uh -- to her at one point as I observed her --
15 uh -- she was -- the BART officer was in the process of -- uh -- she
16 had to remove a headband, I believe it was, a hairband, I should
17 say -- uh -- and I actually observed her flick that headband at the
18 BART officer, and I believe that actually hit him in either his chest
19 or his face area. Um -- there's little to no reaction from the BART
20 officer -- um -- maybe a slight verbal reaction. Um -- shortly
21 thereafter -- um -- the subject started to -- uh -- go through or grab
22 her purse -- uh -- which was going to be, I believe -- I think the
23 purse was going to be placed underneath the window -- uh -- yeah,
24 so property -- safe keeping, if you will -- uh -- by the Santa Rita --
25 uh -- technicians. Uh -- at that point -- uh -- she refused -- uh -- to
26 let go of the -- uh -- the purse. Uh -- the officer, I believe, at least
27 two times or three times -- uh -- asked her, or excuse me I should
28 say, told her to let go of the purse -- uh -- I believe the -- uh -- the

1 quote was "let go of it, let go of it". Uh -- that actually happened at
2 least two or three times. Uh -- she failed to let go of it, and it
3 became clear that -- uh -- the belligerent behavior that I observed
4 earlier -- uh -- was only -- uh -- escalating a little bit further. Um --
5 um -- as this continued -- uh -- I observed the officer, I believe it
6 was -- I think he grabbed her left arm -- um -- and that was at which
7 point that I walked over -- uh -- and she was still in the process of
8 pulling the purse away -- uh -- so I grabbed the purse to pull that
9 purse away, just at about that time -- uh -- she swung and -- uh -- it
10 was my impression at the time -- uh -- that she had struck the
11 officer -- um -- in the face -- uh -- with either a -- a -- I believe that --
12 uh -- I think at the time, I recall that -- that -- it appeared that it was
13 a -- a -- closed fist. Uh -- it was at that point that the officer did a --
14 uh -- a takedown of the -- uh -- the White female, and -- uh -- she
15 landed -- uh -- on the ground or on the -- uh -- floor of the Santa
16 Rita Jail. Uh -- shortly -- I'm sorry, go ahead.

17 Haight: That's okay, go ahead and finish.

18 Stolzman: Uh -- shortly thereafter -- uh -- medical personnel was -- uh --
19 requested to the scene -- uh -- and at which point -- uh -- it was
20 requested that they call an -- an -- ambulance -- uh -- thereafter --
21 uh -- medical personnel from the Santa Rita Jail -- uh -- came out
22 to -- uh -- treat this female.

23 Haight: Okay. Uh -- you mentioned briefly about -- uh -- the officer's
24 demeanor, but could you characterize his overall demeanor
25 throughout this incident?

26 Stolzman: Uh -- very calm. Uh -- very calm -- uh -- stoic. Um -- like I said --
27 uh -- little reaction came -- um -- when he had actually -- or I should
28 say, when the subject, the female, White, had -- uh -- flicked -- uh

1 -- the headband -- uh -- at him. Um -- and like I said, there was
2 very little to no reaction -- I think he responded -- uh -- with the --
3 the word, really -- uh -- as if he was in kind of disbelief, if you will,
4 that she actually had done -- done so. Uh -- then after that, it was
5 -- uh -- I would say business as usual -- um -- in a calm -- calm --
6 demeanor.

7 Haight: Okay. And based on your training and experience as a police
8 officer, did it appear to you as though Officer Pianta had just cause
9 to use force against Ms. S [REDACTED]?

10 Stolzman: Absolutely. Uh -- no question.

11 Haight: And what do you base that on?

12 Stolzman: Uh -- based that on -- would -- uh -- certainly serv -- uh -- excuse
13 me -- uh -- about 18 years of experience as being a sworn police
14 officer in the State of California. Uh -- but not only that -- uh -- at
15 the time -- uh -- she had failed numerous attempts of both -- uh -- I
16 would say, verbally -- uh -- and physically by grabbing her arm to
17 restrain the subject, and at the time -- uh -- it appeared that she'd
18 be -- uh -- she appeared to be a threat towards -- uh -- the officer --
19 um -- by what appeared to me as -- uh -- throwing a closed-fist --
20 uh -- uh -- closed-fist strike -- uh -- to the officer.

21 Haight: And based on what you observed -- uh -- did it appear as though
22 Officer Pianta used any force that you would consider to be
23 excessive due to the circumstances?

24 Stolzman: Uh -- no, I think it was -- I -- I -- I think the (inaudible) -- I think the
25 force was very reasonable -- uh -- at the time. And certainly it -- uh
26 -- it stopped -- um -- the subject from -- uh -- further -- uh -- striking
27 -- not only -- uh -- not only himself -- uh -- but myself, and -- uh --
28 possibly the other officers and/or other in-custodies that were

1 inside the jail at the time.

2 Haight: Did it appear to you at any time that -- that -- that Officer Pianta --

3 uh -- used force with the intent to injure Ms. S [REDACTED]?

4 Stolzman: Uh -- no, I don't believe so.

5 Haight: And after -- uh -- Officer Pianta had -- uh -- uh -- taken Ms.

6 S [REDACTED] to the ground -- uh -- what was his overall reaction to --

7 uh -- what had happened?

8 Stolzman: Uh -- at the time, I believe she was -- uh -- I believe he was

9 stunned -- uh -- and concerned -- uh -- that, you know, and -- uh --

10 maybe in a little bit of disbelief -- uh -- as a result the injur -- uh --

11 the injury that she sustained as a result of the -- uh -- of the

12 takedown.

13 Haight: I believe that's all the questions I have, is there anything else that --

14 that -- you're aware of that would be important to me -- for me to

15 know for my investigation?

16 Stolzman: Uh -- I don't believe so, I think the only other thing that I'd add was

17 that -- uh -- you know, she was -- uh -- she self-claimed that she

18 was actually intoxicated -- uh -- at the -- uh -- start of the injur -- uh

19 -- start of the incident, when she was actually sitting on the bench.

20 She was on the bench, she had actually -- uh -- stated that she

21 was -- that she was drunk.

22 Haight: Okay. All right. That's all the questions I have. I'll end the

23 interview, and it is 1119 hours. (Recording Ends)

24 - INTERVIEW CONCLUDED -

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- INTERVIEW -

1
2 Haight: This is a recorded interview. The date of interview is February the
3 17th, 2015. The time is approximately 0816 hours. I'm Lieutenant
4 Lance Haight. I'm interviewing Officer -- uh -- Oakland Police
5 Officer Joel Hight as a witness to my administrative investigation.
6 Officer Hight, I'm not investigating you in any way, I don't have any
7 allegations -- uh -- made against you, and if I did, I would refer
8 those to your police department. Um -- I'm in -- investigating
9 allegations against our BART Police officer, Officer Pianta. Do you
10 understand that I'm interviewing you as a witness only?

11 Hight: Yes.

12 Haight: Okay -- uh -- this interview regards an incident that took place on
13 March 17th, 2014 at about 2020 hours in the evening in the Santa
14 Rita Jail. Uh -- BART Officer Nolan (phonetic) Pianta was booking
15 a -- an -- arrestee by the name of Ms. S [REDACTED], and it resulted in a
16 use of force at the jail, do you recall this incident?

17 Hight: I do.

18 Haight: Can you tell me what you remember about it?

19 Hight: Uh -- I was standing with -- uh -- an arrestee -- uh -- approximately
20 ten, fifteen feet away from -- uh -- Officer --

21 Haight: Pianta.

22 Hight: -- Pianta and -- um -- I observed the -- uh -- subject was -- uh --
23 very intoxicated. She -- um -- while he was trying to get her
24 booked into the jail, she -- uh -- removed -- uh -- as typical -- um --
25 booking procedures, that -- uh -- she had to remove any loose
26 articles, hairbands -- um -- and in the process of -- uh -- Officer
27 Pianta -- uh -- giving those instructions, she turned around and
28 threw what appeared to be a hairband at him. Um -- following by,

1 she then started to go through her -- uh -- purse when Officer
2 Pianta -- um -- advised her not to, he grabbed her and restrained
3 her arm in a -- in a -- bent wrist. Um -- he then told her to get her
4 hand out of the purse -- uh -- she started to become more
5 uncooperative. Uh -- from what I observed, she tried to ball up her
6 -- a -- a fist and punch at -- at him. There was another OPD officer
7 who was noticing the tension between them, as he was beginning
8 to approach over to them -- uh -- I don't know if she was in the
9 process of swinging, but Officer Pianta -- uh -- took her to -- down
10 to the ground with a leg sweep -- uh -- to gain control over -- uh --
11 once she was detained in handcuffs -- um -- we got medical -- uh --
12 for her, because the leg sweep -- uh -- resulted in her body hitting
13 the ground pretty hard. I believe she lost consciousness.

14 Haight: So, based on what you saw -- uh -- was Officer Pianta -- was he
15 justified in using force?

16 Hight: Uh -- yeah, in my perspective, yes.

17 Haight: And what was that based on?

18 Hight: The amount of non-compliance that she was displaying, she was --
19 uh -- trying to use force against him. Like, she was trying to
20 become combative, so -- uh -- in his estimate, from what my
21 perspective was to (inaudible) the leg sweep takedown to get her
22 into handcuffs was appropriate in my opinion.

23 Haight: Did you witness Officer Pianta -- uh -- use any force that you would
24 consider to be excessive under the circumstances?

25 Hight: No. I mean, the -- uh -- the bent wrist obviously did not appear to
26 be getting her into compliance -- um -- it appeared that any kind of
27 use of force -- uh -- would be consistent with gaining compliance
28 over the situation would have been the leg sweep, just to get her

1 down to the ground so -- uh -- he could properly get her into
2 handcuffs.

3 Haight: Uh -- did it appear to you the -- as though Officer Pianta was -- uh
4 -- intentionally trying to injure Ms. S [REDACTED]?

5 Hight: Not at all. His demeanor appeared to be very relaxed, but -- uh --
6 as she started to become more escalated -- um -- he didn't appear
7 to be overly aggressive, he just appeared to be kind of reactive,
8 based off his training. I can imagine that -- uh -- the -- as far as
9 use -- use of force, and arrest and control procedures that we're
10 taught, that -- uh -- the best position to -- uh -- place somebody in
11 handcuffs is on the ground.

12 Haight: And can you just -- uh -- further elaborate on Ms. -- uh --
13 S [REDACTED]'s demeanor -- uh -- throughout the time that you
14 observed her? What was she -- how was she acting?

15 Hight: Um -- very sarcastic, very -- um -- she appeared to be very
16 intoxicated, she -- um -- she didn't seem like it was appropriate for
17 her to in -- uh -- to be booked into jail. Um -- I don't know what the
18 charges were for her to be booked in, but -- uh -- she kind of
19 appealed that she's not a criminal, that she doesn't deserve this --
20 um -- so she didn't appear to be realizing that -- the -- the -- the
21 reali -- the -- uh -- what's the word I'm looking for? The reality of
22 the situation that -- uh -- that she was going to be booked into jail.

23 Haight: Okay. That's all the questions I have -- uh -- is there anything else
24 that would be important to me for know -- for me to know for my
25 investigation that you're aware of?

26 Hight: No.

27 Haight: Okay, we'll end the interview, and it is approximately -- uh -- 0821
28 hours. (Recording Ends)

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- INTERVIEW CONCLUDED -

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|---|---|---|
| Arrest <input checked="" type="checkbox"/> Crime <input type="checkbox"/> Non-Criminal <input type="checkbox"/> | BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Supplemental Report | CASE # 1403-2632 <hr/> PAGE 1 OF 3 |
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|--|---|
| OFFENSE(S) 69 PC; Obstruct/Resist Executive Officer; Fel. 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I | OFFENSE(S) cont'd 243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd. 243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd. 647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd. |
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|---|--|----------------------|
| DATE, TIME AND DAY OF OCCURENCE 03/17/14 18:34 Monday | DATE AND TIME REPORTED 03/17/14 18:34 | |
| LOCATION OF OCCURENCE 800 Madison St, Oakland - 02 - - Paid | LOCATION NAME LMA - LAKE MERRITT ADMN BLDG | TYPE OF LOCATION |
| BEAT 11 | | SECTOR 1 |

| |
|---|
| CASE SUMMARY See supplemental report. |
| SUSPECT(S) / ARRESTEE(S) Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim |

| | | | | | |
|---|-----|------------|---|-------------------------|--|
| CODE | A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX S [REDACTED], M [REDACTED] J [REDACTED] | ADDRESS 1 [REDACTED] | PHONE 1 |
| RACE | SEX | HT | WT | HAIR | EYE |
| W | F | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| OCCUPATION | | | INJURIES | | |
| SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/> | | | AKA'S | | ARRESTEE DISPOSITION 4-Felony |
| STATE [REDACTED] | | | ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | BOOKING # |
| CITATION # | | | WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | RELEASE LOCATION Santa Rita Jail |
| ARREST DATE / TIME 03/17/2014 / 20:20 | | | SS# | | |

| |
|--|
| CHARGES 69 PC (1); 148 (A)(1) PC (1); 243 (B) PC (1); 647 (f) PC (1) |
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|---|
| NARRATIVE <p>MVR 116 ETM, LMA</p> <p>On 03/17/14, at approximately 2006 hours, while working beat 1B10 in full police uniform, I transported M [REDACTED] S [REDACTED] to the Santa Rita Jail for violations of 148(a)(1) PC, willfully resist, obstruct, delay a peace officer; 243(B) PC, battery on a peace officer; and 647(f) PC, drunk in public.</p> <p>Upon arrival to the jail, S [REDACTED] said something to the effect that she urinated in the back of the patrol car. I shined my flashlight in the back of the car and saw a liquid substance on the floor of the backseat, which I believed to be urine. I asked her if she urinated in the patrol vehicle which she said she did.</p> <p>I had S [REDACTED] step out of the vehicle and I escorted her towards the entrance of the jail. S [REDACTED] said, "Ya, I have a lot of pee on me. You want some?" She attempted to press her butt up against my leg while I was escorting her, in an attempt to wipe urine from her pants onto my pants. I was able to lock my arm out while holding her arm and because of that, she was unsuccessful in her attempt.</p> <p>Once inside of the jail I had S [REDACTED] sit down on the bench in the processing area.</p> |
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| | | | |
|--|---|---|----------------------------------|
| ADMINISTRATION | | | |
| FOLLOW-UP YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> WAP <input type="checkbox"/> OTHER | | |
| BY OFFICER N. Pianta 061709 | DATE/TIME 03/18/2014 03:27 | APPROVED BY Steven Szopinski 061214 | DATE APPROVED 03/18/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS Closed |

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

1403-2632

PAGE

2 OF 3

OFFENSE(S)

69 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I

OFFENSE(S) cont'd

243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
647 (f) PC; Disorderly Conduct; Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURRENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURRENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

CASE SUMMARY

See supplemental report.

NARRATIVE

S [REDACTED] complied. I turned off my MVR and began exchanging paperwork with a jail deputy who was at the counter behind the glass. I gave the jail deputy the booking sheet which contained all charges against S [REDACTED]. The deputy asked me to have S [REDACTED] approach the window so that she could talk with her.

S [REDACTED] approached the window. The deputy instructed me to take the handcuffs off of S [REDACTED] so she could take off her jewelry and place it with her property. S [REDACTED]'s purse which contained her personal items was on the counter next to S [REDACTED].

S [REDACTED] compliant at that point so I removed the handcuffs from her. S [REDACTED] took her earrings out of her ears and relinquished them to the deputy. S [REDACTED] had a hair tie that she was placing in her hair. I told her that jail staff would not let her into jail with the hair tie. S [REDACTED] removed the hair tie from her hair, turned towards me, and threw it at me striking my hat which I was wearing on my head. I said to her, "Really?" She turned away from me and began looking through her purse which was on the counter. I ordered her to stop and I attempted to remove the purse from her reach. Once I grabbed the purse, S [REDACTED] grabbed it and attempted to pull it away from me. I continually ordered her to "Let go" She did not comply. S [REDACTED] began screaming and swearing at me. I grabbed on to S [REDACTED]'s left arm and placed her in an arm bar control hold in order to gain compliance. Oakland Police Officer M. Stolzman grabbed the purse and removed it from her grasp.

While I had S [REDACTED] in a control hold, she began pulling away from me. I pushed her up against the counter in order to gain better control of her. She suddenly turned towards me and began violently punching with a closed fist at my face. Her strikes appeared as though they were missing my face by inches. I ordered her to get on the ground and she continued her assaultive behavior of attempting to strike me in the face. To protect myself from her attack and to stop her attack on me, I used an armbar take down and guided her to the ground. Upon guiding her to the ground she landed on her face and appeared to go unconscious. Moments later blood pooled onto the floor coming from her facial area. I placed her in the recovery position. Oakland police officers who were present summoned

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO:

☐ PAT ☐ DET ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

N. Pianta 061709

DATE/TIME

03/18/2014 03:27

APPROVED BY

Steven Szopinski 061214

DATE APPROVED

03/18/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Closed

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

1403-2632

PAGE

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OFFENSE(S)

69 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I

OFFENSE(S) cont'd

243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
647 (f) PC; Disorderly Conduct; Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

CASE SUMMARY

See supplemental report.

NARRATIVE

jail medical staff to provide aid to the suspect.

While jail medical staff was rendering aid to S [REDACTED] she began resisting staff and not following their orders. I helped deputied place her into handcuffs.

Via radio I advised dispatch to have medical respond to my location code 3. I also advised dispatch to have Sergeant Szopinski #S21 respond for a use of force.

Alameda County Fire Engine #17 and Paramedics Plus #5290 responded and provided medical aid.

Paramedics Plus #5290 transported S [REDACTED] to Eden Hospital. I followed paramedics there in my patrol vehicle. Sergeant Szopinski met me at the hospital.

I stood by with S [REDACTED] in the emergency room while medical staff treated her. Shortly after Officer Ross relieved me.

Witnesses to the incident consisted of three Oakland Police Officers, Officer Stolzman #8576, Ofc, Phillips #8903, and Ofc. Carter #8702. Also Santa Rita Medical staff M. Buckhout #444.

S [REDACTED] when released from the hospital will be booked at Santa Rita Jail.

I additionally charged S [REDACTED] with 69 PC, obstruct resist an executive officer; 148(a)(1) PC, willfully resist, obstruct, delay a peace officer; 243(B) PC Battery on a peace officer.

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO

☐ PAT ☐ DET ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

N. Pianta 061709

DATE/TIME

03/18/2014 03:27

APPROVED BY

Steven Szopinski 061214

DATE APPROVED

03/18/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Closed

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
CR-1

CASE#
1403-2632

PAGE
1

OFFENSE(S)
69 PC; Obstruct/Resist Executive Officer; Fel.

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer

DATE, TIME AND DAY OF OCCURRENCE

03/17/14 18:34 Monday

LOCATION OF OCCURRENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

OFFENSE(S) cont'd

243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.

647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

DATE AND TIME REPORTED

03/17/14 18:34

MORE CHARGES

YES NO ☒

ESTIMATED LOSS VALUE

\$ 0.00

TYPE OF LOCATION

BEAT

11

SECTOR

1

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES

YES ☐ NO ☒

| | | | | |
|------------------|--------|---|-----------|---------|
| CODE V | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX California, State of | ADDRESS 1 | PHONE 1 |
| OCCUPATION | | RACE SEX AGE DOB | ADDRESS 2 | PHONE 2 |
| DL | | STATE SS# INJURIES | ADDRESS 3 | PHONE 3 |
| CODE | | NAME - LAST, FIRST, MIDDLE, SUFFIX | ADDRESS 1 | PHONE 1 |
| OF | | | | |
| OCCUPATION | | RACE SEX AGE DOB | ADDRESS 2 | PHONE 2 |
| DL | | STATE SS# INJURIES | ADDRESS 3 | PHONE 3 |
| CODE | | NAME - LAST, FIRST, MIDDLE, SUFFIX | ADDRESS 1 | PHONE 1 |
| OF | | | | |
| OCCUPATION | | RACE SEX AGE DOB | ADDRESS 2 | PHONE 2 |
| DL | | STATE SS# INJURIES | ADDRESS 3 | PHONE 3 |

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY

Contact an intoxicated subject on the platform at LMA. Subject thought she was in San Francisco. During the detention, subject became upset and pushed on my duty belt. While attempting to handcuff her, she became resistive and kicked an ofc. In the face.

| | | | | | | | | |
|-----------------------|-------------------------|------------------|-------------|-------|-----------|-------|-----|--|
| VEHICLE USED IN CRIME | LICENSE (NO. AND STATE) | YEAR | MAKE | MODEL | BODY TYPE | COLOR | VIN | MORE VEHICLES |
| YES NO UNK OF | | | | | | | | YES NO <input checked="" type="checkbox"/> |
| TOW REPORT | GARAGE NAME AND PHONE | REGISTERED OWNER | R/O ADDRESS | | | | | |
| YES NO | | | | | | | | |

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES

YES ☐ NO ☒

| | | | | |
|---|--------|---|--------------------------------|--|
| CODE A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX S [REDACTED] M [REDACTED] J [REDACTED] | RESIDENCE [REDACTED] | PHONE 1 |
| RACE SEX HT | WT | HAIR EYE AGE DOB | ADDRESS 2 | PHONE 2 |
| W F | | | ADDRESS 3 | PHONE 3 |
| OCCUPATION | | INJURIES | | |
| SCARS / MARKS / TATTOOS | AKA'S | ARRESTEE DISPOSITION | RELEASE LOCATION | ARREST DATE / TIME |
| YES NO | | 4-Felony | Santa Rita Jail | 03/17/2014 / 20:20 |
| DL | STATE | ARRESTED | BOOKING # | WARRANT |
| [REDACTED] | | YES <input checked="" type="checkbox"/> NO | | YES NO <input checked="" type="checkbox"/> |
| CHARGES | | | | |
| 69 PC (1); 148 (A)(1) PC (1); 243 (B) PC (1); 647 (f) PC (1) | | | | |

| | | | |
|-------------------------|------------------------------------|----------------------|------------------|
| CODE | NAME - LAST, FIRST, MIDDLE, SUFFIX | ADDRESS 1 | PHONE 1 |
| OF | | | |
| RACE SEX HT | WT HAIR EYE AGE DOB | ADDRESS 2 | PHONE 2 |
| OCCUPATION | INJURIES | ADDRESS 3 | PHONE 3 |
| SCARS / MARKS / TATTOOS | AKA'S | ARRESTEE DISPOSITION | RELEASE LOCATION |
| YES NO | | | |
| DL | STATE | ARRESTED | BOOKING # |
| | | YES NO | |
| CHARGES | | | |

ADMINISTRATION

| | | | | | | | |
|--|--|--------------------------------|-----------------|-------|-----------|------|-------|
| VICTIM DESIRES PROSECUTION | FOLLOW-UP | COPIES TO | DA | COURT | PROBATION | VWAP | OTHER |
| YES <input checked="" type="checkbox"/> NO | YES NO <input checked="" type="checkbox"/> | PAT DET | | | | | |
| BY OFFICER | DATE/TIME | APPROVED BY | DATE APPROVED | | | | |
| B. Trabanino 061462 | 03/18/14 02:09 | Steven Szopinski 061214 | 03/18/14 | | | | |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS | | | | |
| | | | Closed | | | | |

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

Narrative Report

CASE #
1403-2632

Page 1 of 3

OFFENSE(S)
69 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; M
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.

OFFENSE(S) cont'd
647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURRENCE
03/17/14 18:34 Monday

DATE AND TIME REPORTED
03/17/14 18:34

LOCATION OF OCCURRENCE
800 Madison St, Oakland - 02 - - Paid

LOCATION NAME
LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT
11

SECTOR
1

NARRATIVE

Participating Officers: Lt. Coontz #L18, Sgt. Szopinski #S21, Officer Carrasco #267, Officer Pianta #116

On Monday, 03/17/2014, at about 1834 HRS, I was at the Lake Merritt BART Station working patrol in full police uniform. I had finished with a medical call on the same platform when an unknown BART employee notified me of an intoxicated subject, later identified as M S who was sitting on a bench nearby. I notified BART PD Dispatch that I was finished with the medical detail and would be out with an intoxicated subject on the platform.

As I approached S, I noticed she was sitting down and had her face down, resting, on a gym bag on her lap. I touched S on the shoulder in attempts to wake her up and told her "Ma'am BART Police". S was unresponsive, I placed my fingers on her neck to determine if she had a pulse. S woke up and raised her head and began muttering words, with a thick and slurred speech, and at times very difficult to understand. Upon further observation, I saw S had bloodshot watery eyes and she was emitting a strong odor of an alcoholic beverage from her person. I asked S for her identification and she reached into her purse to retrieve it. She was having difficulty attempting to locate her identification. While attempting to retrieve her identification, I asked her "Do you know where your at right now"? S responded something to the effect of "I'm at Powell, or Montgomery". S asked something to the effect of "Can I go home"? Based on S's level of intoxication, I determined S was unable to care for her own safety.

During the detention, S started become verbally argumentative and upset. S said something to the effect of "Give me my fucking ID". I told her I was attempting to verify who she was. She then said something to the effect of "I'm actually a terrorist, so if you want to call the cops this would be good time to do that". I asked S how much she had to drink tonight, she replied something to the effect of "I had like 4 shots". S said something to the effect of "If you want to arrest me, arrest me".

Sheehan handed me her California Driver License. A check of the automated records system revealed she was clear of any wants or warrants.

ADMINISTRATION

| | | | |
|-----------------------------------|-------------------------------|--|---------------------------|
| BY OFFICER B. Trabanino 061462 | DATE/TIME 03/18/2014 02:09 | APPROVED BY Steven Szopinski 061214 | DATE APPROVED 03/18/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS Closed |

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #

1403-2632

Page 2 of 3

Narrative Report

OFFENSE(S)

69 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; M
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.

OFFENSE(S) cont'd

647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURRENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURRENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

NARRATIVE

S [REDACTED] kept reaching into her bag, and I told her to leave it. Based on my training and experience, suspects are known to carry weapons which are easily accessible in their bags. I put S [REDACTED]'s bags out of her reach. S [REDACTED] then said something to the effect "There is a needle that will prick you". She then lifted her right hand and said something to the effect of "Your doing such a good job". As she lifted her right hand, she placed it near my magazine holder on my duty belt, which I was wearing, and pushed me. I told S [REDACTED] "Don't do that, don't touch me". I attempted to lift her by her left arm so I could place her in handcuffs to prevent further resistance. S [REDACTED] tensed up and attempted to break away from my hold by pushing away from me. Officer Carrasco arrived at the scene and assisted me with gaining control of S [REDACTED]. For our safety and hers, we drove S [REDACTED] to the ground. While on the ground I yelled out, multiple times, "Stop resisting"! S [REDACTED] was kicking her feet towards us while we attempted to gain control of her. Officer Carrasco took control of S [REDACTED]'s right arm and hand and I was able to gain control of S [REDACTED]'s left arm and hand. After gaining control of her hands, we were able to secure her in handcuffs. I handcuffed S [REDACTED], checked for proper fit, and double locked them. (Refer to Officer Carrasco's report for further information).

As we walked S [REDACTED] towards the escalator, she dropped her weight, spread her feet apart and yelled something to the effect of "I'm not going up stairs, fuck no"! In order to gain compliance, I applied a rear wrist lock, while she was handcuffed, and escorted up the escalator. When we reached the concourse level, I transitioned to a control hold of her arm without using pain compliance. After walking for a few seconds, she dropped her weight again, spread her feet and resisted being taken any further. I applied the rear wrist lock again to gain compliance. After walking through the double doors that lead to the holding cell, she dropped to the floor. Lt. Coontz assisted S [REDACTED] up to her feet, by grabbing her left arm, in order to escort her to the holding cell. While in the holding cell, S [REDACTED] slipped out of her handcuffs. Officer Carrasco placed handcuffs on S [REDACTED] a second time.

Sgt. Szopinski arrived at the scene to approve the arrest and debrief S [REDACTED]. Sgt. Szopinski also conducted the use of force investigation.

Officer Pianta transported S [REDACTED] to the Santa Rita Jail for booking. It was later brought to my attention that S [REDACTED] became resistive at the jail towards the transporting officer. (Refer

ADMINISTRATION

| | | | |
|-----------------------------------|-------------------------------|--|---------------------------|
| BY OFFICER B. Trabanino 061462 | DATE/TIME 03/18/2014 02:09 | APPROVED BY Steven Szopinski 061214 | DATE APPROVED 03/18/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS Closed |

Arrest

☒

Crime

☐

Non-Criminal

☐**BART Police Department**

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

1403-2632

Page 3 of 3

Narrative Report

OFFENSE(S)

69 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; M
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.

OFFENSE(S) cont'd.

647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

NARRATIVE

to Officer Pianta's report for further information)

S [REDACTED]'s gym bag was booked into evidence locker #9 at the Lake Merritt BART Police Substation for safekeeping. S [REDACTED] was also issued a 30-day prohibition order.

This event was captured using my department issued MVR and uploaded to the ETM at the Lake Merritt BART Station.

ADMINISTRATION

BY OFFICER

B. Trabanino 061462

DATE/TIME

03/18/2014 02:09

APPROVED BY

Steven Szopinski 061214

DATE APPROVED

03/18/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Closed

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

1403-2632

PAGE

1 OF 2

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

OFFENSE(S) cont'd

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

CASE SUMMARY

See supplemental report.

NARRATIVE

MVR: R. Carrasco #268

Narrative:

On 03/17/14, at about 1834 hours, I was on full uniformed patrol working beat 14. I responded, as cover, to assist Officer Trabanino #102, on a call of a possible intoxicated person at the Lake Merritt BART Station.

Upon my arrival, I made my way towards the south end of the platforms. CSO Rosete #J334 and CSO Shah #J355 were at the scene. As I got closer to Officer Trabanino's location, I saw the suspect, later identified as M [REDACTED] J [REDACTED] S [REDACTED] (A1), sitting down on a bench. S [REDACTED] suddenly pushed Officer Trabanino, on his duty belt, using her right hand. Officer Trabanino grabbed S [REDACTED] by her left arm. S [REDACTED] became resistive and attempted to break away from Officer Trabanino's hold. S [REDACTED] began to push away from Officer Trabanino. I then grabbed S [REDACTED] by her right arm. Officer Trabanino and I took S [REDACTED] to the ground using a modified arm bar take down. As Officer Trabanino placed handcuffs on S [REDACTED], she began to kick her feet towards me and Officer Trabanino. S [REDACTED] struck my left shoulder and the left side of my face with her feet. Officer Trabanino told S [REDACTED] multiple times to stop resisting. Officer Trabanino was able to handcuff S [REDACTED] (Refer to Officer Trabanino's report for further details.) S [REDACTED] displayed signs of intoxication. S [REDACTED] had a strong odor of an alcoholic beverage emanating from her person. S [REDACTED] spoke with a slurred speech. S [REDACTED] had bloodshot and watery eyes.

Lt. Coontz #L18 arrived at the scene. As Officer Trabanino and I escorted S [REDACTED] to the escalator that leads to the concourse level, S [REDACTED] stopped and refused to walk any further. S [REDACTED] spread her feet out and dropped her weight to the ground and said, "No, I'm not going upstairs, fuck no, fuck no.". I grabbed S [REDACTED] by her upper right arm (Underneath her arm pit) using my left hand. I then grabbed her lower right arm, near her elbow, using my right hand. I then pushed up with my left hand. We were then able to escort S [REDACTED] into the Lake Merritt BART Police sub station holding cell to be processed for

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO

☐ PAT. ☐ DET. ☐ DA. ☐ COURT. ☐ PROBATION. ☐ VWAP. ☐ OTHER

BY OFFICER

R. Carrasco 061631

DATE/TIME

03/18/2014 02:33

APPROVED BY

Steven Szopinski 061214

DATE APPROVED

03/18/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

| | | |
|---|---|--|
| Arrest <input checked="" type="checkbox"/> Crime <input type="checkbox"/> Non-Criminal <input type="checkbox"/> | BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Supplemental Report | CASE # 1403-2632 PAGE 2 OF 2 |
|---|---|--|

| | |
|---|--|
| OFFENSE(S) 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I 243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd. 647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd. | OFFENSE(S) cont'd |
| DATE, TIME AND DAY OF OCCURENCE 03/17/14 18:34 Monday | DATE AND TIME REPORTED 03/17/14 18:34 |
| LOCATION OF OCCURENCE 800 Madison St, Oakland - 02 - - Paid | LOCATION NAME LMA - LAKE MERRITT ADMN BLDG |
| TYPE OF LOCATION | BEAT 11 SECTOR 1 |

| |
|---|
| CASE SUMMARY See supplemental report. |
|---|

| |
|---|
| NARRATIVE <div style="margin-top: 20px;"> <p>booking.</p> <p>This concluded my involvement in this case. Nothing further.</p> </div> |
|---|

| | | | |
|--|---|---|----------------------------------|
| ADMINISTRATION | | | |
| FOLLOW-UP YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | COPIES TO <input type="checkbox"/> PAT <input type="checkbox"/> DET <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER | | |
| BY OFFICER R. Carrasco 061631 | DATE/TIME 03/18/2014 02:33 | APPROVED BY Steven Szopinski 061214 | DATE APPROVED 03/18/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS |

| | | |
|---|---|---|
| Arrest <input type="checkbox"/> Crime <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/> | BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Supplemental Report | CASE # 1403-2632 <hr/> PAGE 1 OF 2 |
|---|---|---|

| | | | | | | | |
|---|--------|---|----|---|---|---|--|
| OFFENSE(S) 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I 243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd. 647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd. | | | | OFFENSE(S) cont'd. | | | |
| DATE, TIME AND DAY OF OCCURRENCE 03/17/14 18:34 Monday | | | | DATE AND TIME REPORTED 03/17/14 18:34 | | | |
| LOCATION OF OCCURRENCE 800 Madison St, Oakland - 02 - - Paid | | LOCATION NAME LMA - LAKE MERRITT ADMN BLDG | | TYPE OF LOCATION | | BEAT 11 | SECTOR 1 |
| CASE SUMMARY At LMA, I observed the suspect assault the primary officer and struggle with both the officer and cover on platform #2. | | | | | | | |
| SUSPECT(S) / ARRESTEE(S) Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim | | | | | | | |
| CODE A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX S [REDACTED] M [REDACTED] J [REDACTED] | | | ADDRESS 1 [REDACTED] | | PHONE 1 |
| RACE | SEX | HT | WT | HAIR | EYE | AGE | DOB |
| OCCUPATION | | NJURIES | | | ADDRESS 2 [REDACTED] | | PHONE 2 |
| SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/> | | AKA'S | | | ARRESTEE DISPOSITION 4-Felony | | RELEASE LOCATION Santa Rita Jail |
| STATE [REDACTED] | | ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | BOOKING # | | ARREST DATE / TIME 03/17/2014 / 20:20 | |
| CHARGES 69 PC (1); 148 (A)(1) PC (1); 243 (B) PC (1); 647 (f) PC (1) | | WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | CITATION # | | SS# | |

| |
|---|
| NARRATIVE <p>On Monday 03/17/2014, approximately 1830 hours, I was patrolling the Lake Merritt BART Station. Officer B. Trabanino #102 reported that he was on platform #2 at Lake Merritt BART with a subject who was possibly publicly intoxicated-647(f) PC. I arrived on scene and observed Officer Trabanino talking with the subject, later identified through her California Driver License as M [REDACTED] S [REDACTED], on the north side platform bench.</p> <p>Officer Trabanino was calmly talking to S [REDACTED] who was very agitated and confrontational. Within S [REDACTED]'s general vicinity was a large grey and black duffle bag and a black purse. During the contact, S [REDACTED] would grab on to the bags and reach inside of them. Officer Trabanino told S [REDACTED] to not take the bags approximately 3 times. Officer Trabanino explained to S [REDACTED] that he did not know what was inside the bags and explained that S [REDACTED] would have her bags returned to her. During this time, S [REDACTED] stated that she was a possible "terrorist" and that she had a needle in her purse. S [REDACTED] took the purse and proceeded to put her hands inside of it. Officer Trabanino took possession of the purse and S [REDACTED] became more aggravated. During this time, S [REDACTED] began to yell at Officer Trabanino and she placed her right hand onto Officer Trabanino's duty belt.</p> <p>Officer Trabanino gently raised S [REDACTED] from the bench to place her into his handcuffs.</p> |
|---|

| | | | |
|--|--------------------------------------|--|----------------------------------|
| ADMINISTRATION | | | |
| FOLLOW-UP YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | COPIES TO: <input type="checkbox"/> PAT <input type="checkbox"/> DET <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VAWP <input type="checkbox"/> OTHER | |
| BY OFFICER J. Rosete 061015 | DATE/TIME 03/17/2014 19:57 | APPROVED BY Steven Szopinski 061214 | DATE APPROVED 03/18/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS Closed |

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

1403-2632

PAGE

2 OF 2

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

OFFENSE(S) cont'd

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

CASE SUMMARY

At LMA, I observed the suspect assault the primary officer and struggle with both the officer and cover on platform #2.

NARRATIVE

S [REDACTED] began to resist by flailing her arms. Officer R. Carrasco #268 arrived on scene to assist with the arrest. Officer Trabanino and Carrasco struggled with S [REDACTED] and all three fell to the ground. While on the ground, S [REDACTED] became more resistive and she began to flail her legs and shoulders. Officer Trabanino was having difficulty restraining S [REDACTED] in handcuffs. I observed Officer Trabanino yell out "stop resisting" approximately 4 times.

Officer Trabanino and Carrasco placed S [REDACTED] in handcuffs and began to transport her to the Lake Merritt Police holding cell. I transported S [REDACTED]'s large duffle bag and purse to the Lake Merritt Police Office.

No further actions taken.

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO

☐ PAT ☐ DET ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

J. Rosete 061015

DATE/TIME

03/17/2014 19:57

APPROVED BY

Steven Szopinski 061214

DATE APPROVED

03/18/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Closed

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

1403-2632

PAGE

1 OF 2

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

OFFENSE(S) cont'd

DATE, TIME AND DAY OF OCCURRENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURRENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

CASE SUMMARY

On 03/17/14 I was patrolling Lake Merritt BART station when Officer Trabanino took SHEEHAN, Megan into custody for 647 (f), 148 (A)(1), & 243 (B).

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

| | | | | |
|---|---|---|--|---|
| CODE A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX [REDACTED] M [REDACTED] J [REDACTED] | ADDRESS 1 [REDACTED] | PHONE 1 |
| RACE W | SEX F | HT [REDACTED] | WT [REDACTED] | HAIR [REDACTED] |
| EYE [REDACTED] | AGE [REDACTED] | DOB [REDACTED] | ADDRESS 2 [REDACTED] | PHONE 2 |
| OCCUPATION [REDACTED] | INJURIES [REDACTED] | ADDRESS 3 [REDACTED] | PHONE 3 | |
| SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/> | AKA'S [REDACTED] | ARRESTEE DISPOSITION [REDACTED] | RELEASE LOCATION [REDACTED] | ARREST DATE / TIME [REDACTED] |
| STATE [REDACTED] | ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | BOOKING # [REDACTED] | WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | CITATION # [REDACTED] |
| SS# [REDACTED] | CI# [REDACTED] | | | |

CHARGES

148 (A)(1) PC (1); 243 (B) PC (1); 647 (f) PC (1)

NARRATIVE

On 03/17/2014 at approximately 1830 hours, I was patrolling Lake Merritt BART Station with CSO Rosete when I heard Officer B. Trabanino #102 make contact with someone who appeared to have been drinking, a possible 647 (f) on platform 2. Upon approaching the area, I noticed Officer Trabanino speaking to a woman who was seated on the concrete bench between the two platforms. She was identified as S [REDACTED], M [REDACTED] [REDACTED]

S [REDACTED] appeared to be intoxicated and speaking loudly and rudely to Officer Trabanino. S [REDACTED] also seemed confused about what station she was in because she seemed surprised when Officer Trabanino told her that she was at Lake Merritt Station in Oakland. S [REDACTED] stated that she was at "Powell Ave". Officer Trabanino asked her how much she had to drink and S [REDACTED] stated that she had 4 shots.

Officer Trabanino was attempting to conduct a records check through dispatch. S [REDACTED] kept reaching into her black and grey duffel bag and black purse that was on the bench beside her. Officer Trabanino asked her several times politely to not reach in the bag and moved the bag away. Officer Trabanino explained that he did not know what she could have in the bags. She stated in summary during the interaction that she was a "terrorist". S [REDACTED] also stated that she had a needle in her bag that could hurt him. S [REDACTED]

ADMINISTRATION

| | | |
|---|--|---|
| LOW-UP YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | COPIES TO: <input type="checkbox"/> PAT <input type="checkbox"/> DET <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER | DATE APPROVED 03/17/14 |
| BY OFFICER A. Shah 061937 | DATE/TIME 03/17/2014 21:26 | APPROVED BY Keith Justice 55360 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO |
| | | CASE STATUS Closed |

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

1403-2632

PAGE

2 OF 2

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.
647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

OFFENSE(S) cont'd

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

CASE SUMMARY

On 03/17/14 I was patrolling Lake Merritt BART station when Officer Trabanino took SHEEHAN, Megan into custody for 647 (f), 148 (A)(1), & 243 (B).

NARRATIVE

then told Officer Trabanino that he was "so fucking stupid" and raised her hand and struck him in the area of his duty belt directly over his spare duty weapon magazines.

Officer Trabanino asked her not to touch him and reached for S [REDACTED]'s right arm to raise her from her seated position while asking her to stand up. S [REDACTED] began to pull away from Officer Trabanino when he tried to help her to a standing position. S [REDACTED] began to flail around and resist Officer Trabanino's attempt to handcuff her. S [REDACTED] kept yelling "Don't fucking touch me" repeatedly. Officer R. Carrasco #268 was walking towards Officer Trabanino and S [REDACTED] and immediately helped Officer Trabanino. Officer Trabanino, Officer Carrasco and S [REDACTED] all fell to the ground. Officer Trabanino was yelling "stop resisting" repeatedly and made several attempts to place his handcuffs on S [REDACTED]'s wrists while she twisted away her hands repeatedly. S [REDACTED] kept flailing her legs and rocking up on her shoulders. At one point S [REDACTED] struck Officer Carrasco in the face with the bottom of her right sandal when the Officers were attempting to get her on her stomach to handcuff her.

Officer Trabanino was able to place handcuffs on S [REDACTED] and doubled locked them. Officer Trabanino and Officer Carrasco lifted S [REDACTED] to a standing position and began escorting her to the holding cell at Lake Merritt police station. S [REDACTED] continued to yell and flail while dragging her feet while the Officers escorted her from the platform to the concourse and into the police station. (Please refer to Officer Trabanino's report for further)

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO:

☐ PAT. ☐ DET ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

A. Shah 061937

DATE/TIME

03/17/2014 21:26

APPROVED BY

Keith Justice 55360

DATE APPROVED

03/17/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Closed

| | | |
|---|---|---|
| Arrest <input checked="" type="checkbox"/> Crime <input type="checkbox"/> Non-Criminal <input type="checkbox"/> | BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Evidence Supplemental | CASE # 1403-2632 PAGE 1 OF 1 |
|---|---|---|

| | |
|---|--|
| OFFENSE(S) 69 PC; Obstruct/Resist Executive Officer; Fel. 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I 243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd. | OFFENSE(S) cont'd 647 (f) PC; Disorderly Conduct; Intoxicated in Public; Misd. |
| DATE, TIME AND DAY OF OCCURENCE 03/17/14 18:34 Monday | DATE AND TIME REPORTED 03/17/14 18:34 |
| LOCATION OF OCCURENCE 800 Madison St, Oakland - 02 - - Paid | LOCATION NAME LMA - LAKE MERRITT ADMN BLDG |
| TYPE OF LOCATION | BEAT 11 |
| SECTOR 1 | |

CASE SUMMARY
Evidence supplemental.

SUSPECT(S) / ARRESTEE(S)
 Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

| | | | | | |
|---|-----|------------|--|---|---|
| CODE | A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX S [REDACTED], M [REDACTED] J [REDACTED] | ADDRESS 1 [REDACTED] | PHONE 1 |
| RACE | SEX | HT | WT | HAIR | EYE |
| W | F | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| OCCUPATION | | | INJURIES | ADDRESS 2 | PHONE 2 |
| SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/> | | | AKA'S | ADDRESS 3 | PHONE 3 |
| DL [REDACTED] STATE | | | ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | ARRESTEE DISPOSITION 4-Felony | RELEASE LOCATION Santa Rita Jail |
| BOOKING # | | | WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | CITATION # | ARREST DATE / TIME 03/17/2014 / 20:20 |
| SS# | | | CII# | | |

CHARGES
69 PC (1); 148 (A)(1) PC (1); 243 (B) PC (1); 647 (f) PC (1)

NARRATIVE

Evidence Supplemental Narrative:

On Wednesday, March 19, 2014, at approximately 2240 hours, I was tasked by Sergeant Szopinski #S21 to book a CD into the evidence locker at the Lake Merritt Evidence Room. The CD contained video footage of the event that took place at the Santa Rita Jail for case #1403-2632. The CD was given to Sergeant Szopinski by Sergeant Antioisco from the Alameda County Sheriffs Office on 03/17/14, at approximately 2300 hours. Due to technical difficulties on Alliance, Sergeant Szopinski was unable to book the CD as evidence. Sergeant Szopinski kept the CD in his locker until he gave the CD to me.

I booked the CD into evidence locker #1 at the Lake Merritt Evidence Room.

This concludes my report.

| | | | |
|---|--------------------------------------|--|----------------------------------|
| ADMINISTRATION | | | |
| FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/> | | COPIES TO: <input type="checkbox"/> PAT <input type="checkbox"/> DET <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER | |
| BY OFFICER J. Chung 061821 | DATE/TIME 03/23/2014 14:54 | APPROVED BY Tanzanika Carter 57384 | DATE APPROVED 03/26/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS Closed |

| | | |
|---|---|---|
| Arrest <input type="checkbox"/> Crime <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/> | BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Evidence Supplemental | CASE # 1403-2632 PAGE 1 OF 1 |
|---|---|---|

| | |
|---|--|
| OFFENSE(S) 69 PC; Obstruct/Resist Executive Officer; Fel. 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I 243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd. | OFFENSE(S) cont'd 647 (f) PC; Disorderly Conduct; Intoxicated in Public; Misd. |
|---|--|

| | | |
|---|--|----------------------|
| DATE, TIME AND DAY OF OCCURENCE 03/17/14 18:34 Monday | DATE AND TIME REPORTED 03/17/14 18:34 | |
| LOCATION OF OCCURENCE 800 Madison St, Oakland - 02 - - Paid | LOCATION NAME LMA - LAKE MERRITT ADMN BLDG | TYPE OF LOCATION |
| BEAT 11 | | SECTOR 1 |

| |
|--|
| CASE SUMMARY Submitting DVD as evidence. |
|--|

| |
|---|
| SUSPECT(S) / ARRESTEE(S) Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim |
|---|

| | | | | | |
|---|-------|---|---|--|---|
| CODE | A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX S [REDACTED] M [REDACTED] | ADDRESS 1 [REDACTED] | PHONE 1 |
| RACE | SEX | HT | WT | HAIR | EYE |
| W | F | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| OCCUPATION | | | INJURIES | ADDRESS 2 | PHONE 2 |
| SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/> | | | AKA'S | ADDRESS 3 | PHONE 3 |
| ARRESTEE DISPOSITION 4-Felony | | | RELEASE LOCATION Santa Rita Jail | | ARREST DATE / TIME 03/17/2014 / 20:20 |
| DL | STATE | ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | BOOKING # | WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | CITATION # |
| SS# | | | | | |

| |
|--|
| CHARGES 69 PC (1); 148 (A)(1) PC (1); 243 (B) PC (1); 647 (f) PC (1) |
|--|

| |
|---|
| NARRATIVE I received a DVD containing video recordings from Oakland Police officers who were present at Santa Rita Jail when S [REDACTED] was being booked by Officer Pianta. The video was obtained by BART Sergeant Szopinski. The video was then submitted to Internal Affairs. |
|---|

| | | | |
|---|--|---|----------------------------------|
| ADMINISTRATION | | | |
| FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/> | COPIES TO: <input type="checkbox"/> PAT <input type="checkbox"/> DET <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER | | |
| BY OFFICER L. Haight 56952 | DATE/TIME 07/03/2014 15:34 | APPROVED BY Yolanda Joseph 060035 | DATE APPROVED 07/04/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS Closed |

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
1403-2632

Page 1 of 1

OFFENSE(S)

09 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; M
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.

OFFENSE(S) cont'd

647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

TOTAL PROPERTY VALUE

\$ 0.00

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

PROPERTY ITEMS

| ITEM # | STATUS | QUANTITY | COLOR | COLOR 2 | TYPE | MAKE | MODEL | YEAR |
|--|--------|----------|-------|---------|------------------------|---------|---|------|
| BTRABAN-001 | E | 1 | | | Audio/video | Axon | Flex | |
| SERIAL NUMBER | | BAR CODE | | | VALUE | TOTAL | LOCATION / BIN # | |
| | | | | | \$ 0.00 | \$ 0.00 | ETM Lake Merritt | |
| DESCRIPTION | | | | | | | <input type="checkbox"/> FIELD RECEIPT ISSUED | |
| Audio/video footage of contact | | | | | | | | |
| BTRABAN-002 | K | 1 | BLK | GRY | Personal accessories | VSP | Gym Bag | |
| SERIAL NUMBER | | BAR CODE | | | VALUE | TOTAL | LOCATION / BIN # | |
| | | | | | \$ 0.00 | \$ 0.00 | LMA Locker 9 | |
| DESCRIPTION | | | | | | | <input type="checkbox"/> FIELD RECEIPT ISSUED | |
| 1 Gray/Black VSP Gym Bag containing misc clothing and hygiene product. | | | | | | | | |
| LHAIGHT-001 | E | 1 | | | CD Recordings / Photos | | | |
| SERIAL NUMBER | | BAR CODE | | | VALUE | TOTAL | LOCATION / BIN # | |
| | | | | | \$ 0.00 | \$ 0.00 | LMA Locker 1 | |
| DESCRIPTION | | | | | | | <input type="checkbox"/> FIELD RECEIPT ISSUED | |
| DVD containing video recordings from OPD officers | | | | | | | | |

ADMINISTRATION

| | | | |
|-----------------|----------------|-----------------------|---------------|
| BY OFFICER | DATE/TIME | APPROVED BY | DATE APPROVED |
| L. Haight 56952 | 07/03/14 15:34 | Yolanda Joseph 060035 | 07/04/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS |
| | | | Closed |

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Narrative Report

CASE #

1403-2632

Page 1 of 1

OFFENSE(S)

09 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; M
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.

OFFENSE(S) cont'd

647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

NARRATIVE

I received a DVD containing video recordings from Oakland Police officers who were present at Santa Rita Jail when S [REDACTED] was being booked by Officer Pianta. The video was obtained by BART Sergeant Szopinski. The video was then submitted to Internal Affairs.

ADMINISTRATION

BY OFFICER

L. Haight 56952

DATE/TIME

07/03/2014 15:34

APPROVED BY

Yolanda Joseph 060035

DATE APPROVED

07/04/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Closed

| | | |
|---|---|---|
| Arrest <input checked="" type="checkbox"/> Crime <input type="checkbox"/> Non-Criminal <input type="checkbox"/> | BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Supplemental Report | CASE # 1403-2632 <hr/> PAGE 1 OF 2 |
|---|---|---|

| | |
|---|---|
| OFFENSE(S) 69 PC; Obstruct/Resist Executive Officer; Fel. 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I 243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd. | OFFENSE(S) cont'd 647 (f) PC; Disorderly Conduct:Intoxicated in Public; Misd. |
|---|---|

| | | |
|---|--|----------------------|
| DATE, TIME AND DAY OF OCCURENCE 03/17/14 18:34 Monday | DATE AND TIME REPORTED 03/17/14 18:34 | |
| LOCATION OF OCCURENCE 800 Madison St, Oakland - 02 - - Paid | LOCATION NAME LMA - LAKE MERRITT ADMN BLDG | TYPE OF LOCATION |
| BEAT 11 | | SECTOR 1 |

CASE SUMMARY
 Supp to main report. Monitored in-custody at Eden Hospital from 0620 Hrs to 1400 Hrs. Advised by WC and DD that BARTPD would file charges as "out of custody".

SUSPECT(S) / ARRESTEE(S)
 Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

| | | | | | |
|---|-----|------------|---|--------------------------------|---|
| CODE | A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX S [REDACTED], M [REDACTED], J [REDACTED] | ADDRESS 1 [REDACTED] | PHONE 1 |
| RACE | SEX | HT | WT | HAIR | EYE |
| W | F | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| OCCUPATION | | | INJURIES | ADDRESS 2 | PHONE 2 |
| SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/> | | | AKA'S | ADDRESS 3 | PHONE 3 |
| ARRESTEE DISPOSITION 4-Felony | | | RELEASE LOCATION Santa Rita Jail | | ARREST DATE / TIME 03/17/2014 / 20:20 |
| STATE [REDACTED] | | | ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | BOOKING # | CITATION # |
| WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | | SS# | CII# | |

CHARGES
 69 PC (1); 148 (A)(1) PC (1); 243 (B) PC (1); 647 (f) PC (1)

NARRATIVE

Supplement:

On Tuesday, 3/18/14 at about 0600 Hours, I was advised to respond to Eden Hospital to relieve Officer Ross who was monitoring an in-custody that Zone 1 had arrested on 3/17/14 at Lake Merritt. I was advised that the in-custody, M [REDACTED] S [REDACTED] was resting and waiting to be seen by an Ear, Nose and Throat (ENT) doctor for further evaluation.

During that time, I did not have any contact with S [REDACTED] S [REDACTED] did have her father and two sisters arrive on scene. I advised them that I could not give them any updated information and I advised them to contact the BARTPD Watch Commander. I gave them my business card with the Watch Commander's direct telephone number.

After several hours of waiting, I spoke to S [REDACTED]'s nurse (Stephanie) and she advised me that S [REDACTED]'s X-ray of her jaw revealed several fractures. The ENT doctor would make the final determination if S [REDACTED] would need surgery on her jaw. If so, S [REDACTED] would not be released today and at earliest she would have surgery tomorrow. I advised Lt Kwon of the update. Lt Kwon advised me that I would no longer need to stay and monitor S [REDACTED] at the hospital. I called Detective Horner and he agreed with the decision. Detective Horner advised that he would file charges as "out of custody" and that BARTPD would seek

| | | | |
|--|--|---|----------------------------------|
| ADMINISTRATION | | | |
| FOLLOW-UP YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | COPIES TO <input type="checkbox"/> PAT. <input checked="" type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER | | |
| BY OFFICER M. Zendejas 57648 | DATE/TIME 03/18/2014 14:51 | APPROVED BY Keith Justice 55360 | DATE APPROVED 03/18/14 |
| OFFICER | UNIT/SHIFT | ASSIGNED TO | CASE STATUS Closed |

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

1403-2632

PAGE

2 OF 2

OFFENSE(S)

69 PC; Obstruct/Resist Executive Officer; Fel.
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
243 (B) PC; Battery On Peace Officer/Emergency Personnel/Etc; Misd.

OFFENSE(S) cont'd

647 (f) PC; Disorderly Conduct: Intoxicated in Public; Misd.

DATE, TIME AND DAY OF OCCURENCE

03/17/14 18:34 Monday

DATE AND TIME REPORTED

03/17/14 18:34

LOCATION OF OCCURENCE

800 Madison St, Oakland - 02 - - Paid

LOCATION NAME

LMA - LAKE MERRITT ADMN BLDG

TYPE OF LOCATION

BEAT

11

SECTOR

1

CASE SUMMARY

Supp to main report. Monitored in-custody at Eden Hospital from 0620 Hrs to 1400 Hrs. Advised by WC and DD that BARTPD would file charges as "out of custody".

NARRATIVE

a warrant for S [REDACTED]'s arrest at a later time.

I advised S [REDACTED]'s family of the update. I left my business card with the hospital staff and advised them to call BARTPD when S [REDACTED] is cleared to be released from the hospital.

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO:

☐ PAT

☒ DET

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

M. Zendejas 57648

DATE/TIME

03/18/2014 14:51

APPROVED BY

Keith Justice 55360

DATE APPROVED

03/18/14

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Closed



BART POLICE DEPARTMENT
SUPERVISOR USE OF FORCE REPORT

| |
|-----------|
| Case No. |
| 1403-2632 |

| | | | | |
|---|---|--|--|------------------------------|
| Were photographs taken of the subject? | | <input checked="" type="checkbox"/> Yes | No (If no, explain) | |
| There was MVR footage and a photo taken after the second UOF. | | | | |
| Was subject interviewed? | | <input checked="" type="checkbox"/> Yes | No (If no, explain) | |
| S [REDACTED] did not want to speak with me. | | | | |
| Was interview recorded? | | <input checked="" type="checkbox"/> Yes | No (If no, explain) | |
| | | | | |
| 1) Was video of the incident available? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | | |
| 2) Was video Hotline notified? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | | |
| 3) Was external video available? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Unknown | <input type="checkbox"/> N/A |
| 4) Was a canvas for witnesses conducted | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No (If no, explain) | | |
| | | | | |
| 5) Describe injuries to others due to subject's actions | <u>None</u> | | | |
| | | | | |
| 6) Were photographs taken of involved officer? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No (If no, explain) | | |
| | | | | |
| | | | | |
| Were witnesses interviewed? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No (If no, explain) | |
| | | | | |



BART POLICE DEPARTMENT
SUPERVISOR USE OF FORCE REPORT

NARRATIVE SECTION

Supervisor's Analysis of the Incident:

Include comments on the original detention, witness statements and description of the subject's actions during/after the contact.

INTRODUCTION:

On 3/17/14 at about 1834 hours, I responded to the platform at the Lake Merritt BART station for a suspect who was placed into custody after she had resisted arrest. The suspect was later identified as M ██████ S ██████. I also responded to the second UOF regarding S ██████ that occurred at Santa Rita Jail check-in counter at 2006 hours. Lastly, I responded to Eden Hospital to interview S ██████ who was being treated there.

INVOLVED PERSONNEL:

Officer B. Trababino #102, Officer R. Carrasco #268, Officer N. Pianta #116

Upon my arrival, at the Lake Merritt BART Police substation, I met separately with Officer Carrasco and Officer Trababino in the Sergeant's office. Officer Trababino stated the following to me (summarized): On 3/17/14 at about 1825 hours, while Officer Trababino was assisting a sick patron on the platform at the Lake Merritt station he was flagged down by an unknown subject who suggested that he check on a female who was later identified as suspect S ██████. S ██████ was on the platform sitting on a bench nearby. After Officer Trababino made contact with suspect S ██████ he determined she was under the influence and unable to care for her own safety (647(f)PC) S ██████ had touched and pushed Officer Trababino's gun belt in the area near the front center of his belt where his pistol magazines are positioned. Officer Trababino was waiting for his cover unit to arrive and had warned S ██████ not to touch him but S ██████ refused to be compliant by yelling obscenities at him and not staying still. Officer Trababino was attempting to place S ██████ under arrest for being Intoxicated in public and for not being able to care for her own safety, 647(f) PC. Officer Trababino grabbed onto S ██████'s left wrist in an attempt to place her into a twist lock control hold, but she continued to resist by twisting the front of her body towards Officer Trababino. Officer Carrasco arrived on scene and assisted Officer Trababino by grabbing S ██████'s other arm. Officer Trababino stated he and Officer Carrasco guided S ██████ to the ground. After Trababino was able to get S ██████ on the ground she continued to resist by kicking her feet towards Officer Trababino and Officer Carrasco. Officer Trababino was able to handcuff S ██████, check for proper fit and double lock each of the handcuffs. Officer Trababino and Officer Carrasco were in the process of relocating S ██████ to the Police Office at the Lake Merritt station; when S ██████ continued to resist and delay officers by dropping all of her weight by spreading her legs apart and lowering her buttocks towards the ground and saying "fuck no!" just prior to going up the escalator. S ██████ refused to move. Due to the fact that S ██████ refused to move, Officer Trababino applied a rear wrist lock. Officer Trababino placed S ██████ into the holding cell and stated S ██████ had slipped her handcuffs off while in the holding cell. Officer Trababino stated he did not have any other involvement with S ██████. Officer Trababino stated S ██████ was not injured and neither was she as a result of the use of force.

I spoke separately with Officer Carrasco who corroborated everything Officer Trababino stated above. Officer Carrasco stated he saw S ██████ push Officer Trababino. Officer Carrasco saw Officer Trababino struggling with S ██████. Officer Carrasco grabbed onto S ██████'s right arm and guided S ██████ to the ground along with Officer Trababino. Officer Carrasco stated he may have been hit in the face by S ██████'s foot when they were handcuffing S ██████ but was not certain. Officer Carrasco did not have any other involvement with S ██████. Officer Carrasco stated S ██████ was not injured and neither was he as a result of the use of force.

I independently spoke with Officer N. Pianta #116 at Eden Hospital in Castro Valley regarding his use of force that occurred at the Santa Rita Jail check in counter. Officer Pianta stated the following (summarized): Officer Pianta had



BART POLICE DEPARTMENT SUPERVISOR USE OF FORCE REPORT

transported S [REDACTED] to the Santa Rita jail to be booked on the charge of resisting arrest 148(a) PC and Intoxicated in public 647(f)PC. S [REDACTED] was compliant and was told to approach the counter to check in for booking at Santa Rita Jail. The intake Officer advised Ofc. Pianta to uncuff S [REDACTED]. S [REDACTED] then started going through her purse that had personal items such as pens and a hairbrush that could be used as a weapon. S [REDACTED] also stated earlier that she had a needle in her purse and was going to stick an Officer, Officer Trabanino with it. The needle was not recovered during the search of her purse by Officer Pianta or Trabanino. Officer Pianta ordered S [REDACTED] to not go into her purse for Officer safety reasons, but she refused, which is a violation of obstructing and delaying 148(a) PC. Officer Pianta for his safety elected to grab S [REDACTED] S purse so she would not be able to go inside of her purse.

S [REDACTED] grabbed onto her purse strap as Officer N. Pianta was attempting to take possession of the purse from the check in counter. Officer Pianta ordered S [REDACTED] to let go of the purse, S [REDACTED] refused to comply. S [REDACTED] continued to hold onto the purse while screaming and swearing at Officer Pianta. Officer Pianta placed S [REDACTED] s left arm in a twist lock control hold and leaned her against the counter in an attempt to gain control of S [REDACTED]. The twist lock control hold did not have any effect on S [REDACTED] and she was able to twist the front of her body towards Officer Pianta. S [REDACTED] then started to hammer punch violently with a clinched right fist towards Officer Pianta's face, coming within inches of making contact with his face. Officer Pianta ordered S [REDACTED] to the ground but she continued her assaultive behavior of throwing punches towards Officer Pianta's face. Officer Pianta placed S [REDACTED] into arm bar control technique and he drove S [REDACTED] to the ground. The bar arm take down control technique was taught to Officer Pianta when he had attended the Contra Costa County Police academy that is licensed by the Peace Officer Standard and Training (P.O.S.T.).

As a result of the bar arm take down, S [REDACTED] landed on her face and did not use her right free arm to prevent her from hitting her head on the ground. As a result of the take down S [REDACTED] may have been unconscious for a brief amount of time (one to five seconds).

It should be noted that many of the P.O.S.T. certified takedowns are dynamic in nature. The take down involves a combination of speed, leverage and aggressiveness by the individual Officer in order to gain immediate control of a combative suspect as quickly and safely as possible; all which must be reasonable. Based on my investigation, Officer Pianta was reasonable in using a bar arm take down technique for the following reasons: 1) S [REDACTED] refused verbal commands to leave her purse alone. 2) S [REDACTED] refused to turnover her purse after being told to do so repeatedly 3) The purse had to be forcibly removed from her grasp. 4) S [REDACTED] managed to resist a twist lock control technique to her left arm; that Ofc. Pianta had applied to S [REDACTED] in the hopes that S [REDACTED] would comply and that he could handcuff her. 5) S [REDACTED] elected to ignore Officer Pianta's repeated verbal commands to stop resisting, 6) Lastly; S [REDACTED] resorted to using physical force against Ofc. Pianta by throwing consecutive hammer fist punches towards Officer Pianta's face.

A hammer fist punch to the face is when the subject clinches their fist, The subject winds-up their arm and brings their fist above their head and forcefully strikes their fist into the face of their intended victim. It should be noted, the generated energy from winding up and striking down with a hammer fist towards the victim's face could have reasonably caused great bodily injury or death to Ofc. Pianta. In order to prevent great bodily injury or death to himself it was reasonable for Ofc. Pianta to defend himself and use a bar arm take down on S [REDACTED] in order to gain control of S [REDACTED]. After Ofc. Pianta took S [REDACTED] down to the ground using a bar arm take down.

Note: Officer Pianta rendered first aid to S [REDACTED] after applying the take down and advised BART Police dispatch for a code 3 (emergency lights and siren) ambulance to respond to the scene and that he had a use of force. I (Sergeant Szopinski) advised BART Police dispatch that I would be responding to Santa Rita Jail to conduct a use of force investigation. Paramedic Plus #5290 transported S [REDACTED] to Eden Hospital for treatment. Upon being discharged from the Eden hospital, S [REDACTED] was booked at Santa Rita Jail.



BART POLICE DEPARTMENT SUPERVISOR USE OF FORCE REPORT

SUSPECT INTERVIEW:

I initially met with S [REDACTED] at the holding cell located in the BART Police substation at Lake Merritt BART station. S [REDACTED] stated she was not injured and I did not see any visible injuries to her. S [REDACTED] stated, "I FUCKED UP", (referring to herself). S [REDACTED] refused to give me a statement at Lake Merritt BART station and at Eden Hospital. I advised S [REDACTED] at the Lake Merritt holding cell that she was being transported to Santa Rita Jail for booking and to not make matters worse for her and to cooperate with the Officer. When I arrived at Eden hospital, I could not see S [REDACTED]'s physical appearance at the Eden Hospital due to her being in her a very dark room and refusing to being interviewed. There wasn't any light on in the room and it was night time.

WITNESS INTERVIEWS:

I interviewed all of the witnesses separately.

I spoke with witness CSO A. Shah J355 who stated she had witnessed Officer Trabanino contacting S [REDACTED] on the platform at Lake Merritt BART station. Shah stated she heard Officer Trabanino telling S [REDACTED] to not go in her purse. SHAH stated she heard S [REDACTED] state there was a needle in her purse and that she could hurt him. S [REDACTED] also stated she was a terrorist. Shah saw S [REDACTED] strike Officer Trabanino near the magazines pouches on his duty belt. SHAH stated she saw Officer Trabanino attempting to handcuff S [REDACTED]. SHAW then saw Officer Carrasco arrive on scene and assist Officer Trabanino. Shah stated she then saw all three (Officers Trabanino, Carrasco and S [REDACTED]) fall to the ground. Shah stated she saw S [REDACTED] kick Officer Carrasco in the face with the sole of her sandal that she was wearing while attempting to handcuff her.

I spoke with witness CSO J. Resete J344 who stated the same as witness Shah stated occurred.

I interviewed Alameda County Sheriff technician Michelle Buckhout #444 who stated she had been in the process of in-taking S [REDACTED] at the Santa Rita Jail check-in counter. Buckhout stated that it appeared to her that S [REDACTED] was compliant and advised the Officer being Officer Pianta to uncuff her being S [REDACTED] so she could sign for her property. Buckhout remembers a struggle ensuing soon after S [REDACTED] was uncuffed and that S [REDACTED] wanted her purse. S [REDACTED] recalls the Officer Pianta grabbing onto S [REDACTED]'s left hand, while S [REDACTED] was still holding onto her purse. Buckhout stated she saw S [REDACTED] take a swing at Officer Pianta's head when another Oakland Police Officer was walking over to assist. Buckhout stated Officer Pianta then took S [REDACTED] to the ground but could not see S [REDACTED] on the ground due to the counter obstructing her view. Buckhout stated she could not hear the conversation between Officer Pianta and S [REDACTED] due to the bullet proof glass portion.

I spoke with Oakland Police Officer Kitrell Carter #8702 via landline. Officer Carter stated he had observed a female suspect who was very belligerent at the intake counter at Santa Rita Jail. Carter stated he saw SHEEHAN throwing punches at Officer Pianta. Officer Carter stated he saw Officer Pianta do a take down on Sheehan. Officer Carter felt the force was reasonable and justified.

I spoke with Oakland Police Officer Paul Phillips and Mike Stolzman via landline. Both Officers (Officer Paul Phillips #8903 and Mike Stolzman #8576) stated they had all had witnessed the same account as to what had occurred and all of them stated the force that Officer Pianta used on S [REDACTED] was reasonable and justified. Officer Stolzman added that he had assisted Officer Pianta by grabbing the purse from S [REDACTED]'s grasp. Officer Stolzman said after grabbing the purse from S [REDACTED] the following happened so fast: S [REDACTED] was punching Officer Pianta in the face, so he attempted to grab onto S [REDACTED]'s right arm as Pianta did the bar arm take down.



BART POLICE DEPARTMENT SUPERVISOR USE OF FORCE REPORT

Conclusion: Officer Stolzman had his duty issued body camera's on and stated he had reviewed the video footage and the video footage is consistent with his statement. I had separated and interviewed all known parties that were involved or witnessed this event. I have reviewed all video pertaining to this event except the video footage captured on Oakland Police Officer Stolzman duty issued camera. I have requested all captured video from any all Oakland Police Officer's who may have captured video of this event. The UOF report was delayed due to CITRIX being down for a 30 hour period. Based on my investigation, I have determined that Officer Trabanino, Officer Carrasco and Officer Pianta, had used the reasonable amount of force necessary and were justified in using the afore mentioned force that is set forth under BART Police Lexipole policy 300-Use of Force. This concludes my investigation of this matter. This concludes my investigation. Sergeant Szopinski S21.

Prepared by: Sergeant. S. Szopinski S21

Name/Star

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liza@scottlawfirm.net

Attorneys for Plaintiff,
M [REDACTED] S [REDACTED]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

M [REDACTED] S [REDACTED]

Plaintiff,

v.

BAY AREA RAPID TRANSIT, UNKNOWN
ASSAILANTS 1 – 4, COUNTY OF
ALAMEDA, and DOES 1-20, inclusive.

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

[42 U.S.C. § 1983]

JURY TRIAL DEMANDED

PLAINTIFF M [REDACTED] S [REDACTED] complains of Defendants and alleges as follows:

JURISDICTION AND VENUE

1. This action arises under 42 U.S.C. §1983. Jurisdiction is conferred by virtue of 28 U.S.C. §§ 1331 and 1343.

2. The conduct alleged herein occurred in Alameda County. Venue of this action lies in the United States District Court for the Northern District of California.

PARTIES

3. Plaintiff M [REDACTED] S [REDACTED] resides in the City and County of San Francisco, California.

4. Defendant Bay Area Rapid Transit ("BART") is a public agency organized and existing pursuant to the laws of the State of California which includes the BART Police Department.

5. Plaintiff does not presently know the true name of defendants identified as "Unknown Assailants 1 – 4" and therefore sues them by fictitious names. Plaintiff is informed and believes, and on that basis alleges, that the "Unknown Assailants 1 – 4" and each of them were responsible in some manner for the acts and/or omissions alleged herein, and, were officers working for either BART or County of Alameda. Plaintiff will seek leave to amend this Complaint to add their true names and capacities when they have been ascertained.

6. Defendant County of Alameda is public agency organized and existing pursuant to the laws of the State of California, which runs an agency/department that is the Alameda County Sheriff's Office, and, which operates the Santa Rita Jail through the Sheriff's Office.

7. Plaintiff also does not presently know the true names and capacities of defendants DOES 1 through 20, inclusive, and therefore sues them by these fictitious names. Plaintiff is informed and believes that DOES 1 through 20, and each of them, were responsible in some manner for the acts or omissions alleged herein. Plaintiff will seek leave to amend this Complaint to add their true names and capacities when they have been ascertained.

8. In doing the acts and/or omissions alleged herein, defendants and each of them acted under color of authority and/or under color of state law, and, in concert with each other.

STATEMENT OF FACTS

9. Plaintiff alleges on information and belief that at all times mentioned herein, B. Trabinino (badge #102) and R. Carraco (badge #268) were police officers employed by the BART Police Department.

10. On March 17, 2014, female plaintiff M [REDACTED] was traveling on BART when she exited a train in Oakland. Officer Trabanino arrested S [REDACTED] alleging Penal Code violations of Sections 657(f), 148(a)(1), and 243(b). S [REDACTED] alleges on information and belief that Officer Carraco transported her to the Santa Rita Jail. S [REDACTED] urinated in a police car on the way to jail.

11. Upon arrival at the Santa Rita Jail, Unknown Assailants 1 – 4 beat S [REDACTED] until she lost consciousness. Defendants' beating caused plaintiff serious head injuries including but not limited to fracturing four of her cheek bones, splitting her molar, and cracking a front tooth.

12. S [REDACTED] alleges on information and belief that a video exists and captured at least a portion if not all of the beating.

13. S [REDACTED] was taken in an ambulance to Eden Medical Center in Castro Valley where S [REDACTED] was treated and required hospital care and treatment for two days. Eden's March 19, 2014 discharge papers identify her "final diagnoses" as follows:

Principal Problem:

Fx Left orbital floor blowout

Active Problems:

LOC (loss of consciousness)

Fx: Left maxillary depressed comminuted anterior wall, nondisplaced medial wall, displaced lateral wall

Left orbital wall lateral displaced comminuted fx

Fx: medial wall Right maxillary antrum

Concussion with brief loss of consciousness

Eyelid laceration

Lip laceration

14. Plaintiff returned to Santa Rita Jail before being released on bail.

15. No criminal charges were ever filed against the plaintiff.

STATEMENT OF DAMAGES

16. As a result of the acts and/or omissions of defendants, and each of them, plaintiff suffered and will continue to suffer general damages including pain and suffering in an amount to be determined according to proof. Plaintiff also suffered physical injuries that impact her quality of life and daily life activities in an amount to be determined according to proof. Plaintiff has also incurred, and is likely to continue to incur medical and dental treatment and related expenses in amounts to be determined according to proof. Further, plaintiff lost wages and employment opportunities in amounts to be determined according to proof.

17. The acts and/or omissions of the individual defendants were willful, wanton, reckless, malicious, oppressive and/or done with a conscious or reckless disregard for the rights of the plaintiff, who seeks punitive and exemplary damages against these individuals according to proof.

18. Plaintiff has retained private counsel to represent her in this matter and will seek an award of attorneys' fees and costs as permitted by law.

CAUSES OF ACTIONS

FIRST CAUSE OF ACTION

[42 U.S.C. §1983—Fourth Amendment]

19. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

20. Plaintiff alleges on information and belief that the Unknown Assailants 1 – 4 and Does 1-20 (hereafter the “individual” defendants) were acting under color of state law and in the course and scope of their employment.

21. In doing the acts and/or omissions alleged herein the individual defendants used excessive and unreasonable force against M [REDACTED] S [REDACTED] in violation of her rights under the Fourth Amendment to the United States Constitution.

WHEREFORE, plaintiff prays for relief as hereinafter set forth.

SECOND CAUSE OF ACTION

[42 U.S.C. §1983—Fourteenth Amendment]

22. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

23. In doing the acts and/or omissions alleged herein, the individual defendants were deliberately indifferent to plaintiff’s health and safety in violation of the Fourteenth Amendment to the United States Constitution. Alternatively, these defendants acted with a purpose to harm unrelated to a legitimate police purpose.

WHEREFORE, plaintiff prays for relief as set forth herein.

THIRD CAUSE OF ACTION

[42 U.S.C. §1983—*Monell* Liability]

24. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

25. Municipal defendants BART and County of Alameda were responsible for ensuring the health and safety of the individuals placed in their custody. This included but was not limited to protecting those in custody from excessive or punitive uses of force.

26. Plaintiff alleges on information and belief that defendants' customs or unwritten policies authorized, encouraged and condoned using excessive or punitive force against pre-trial detainees including the plaintiff in the Santa Rita Jail in violation of the Fourth and/or Fourteenth Amendments to the United States Constitution. Defendants were deliberately indifferent to the risk of harm that these customs or policies would cause and did cause the plaintiff. These customs and policies were a moving force behind the harm suffered by the plaintiff. Alternatively, plaintiff alleges on information and belief that the acts or omissions of the individual defendants were: (1) caused by inadequate and arbitrary training, supervision, and/or discipline of officers regarding the use of force; (2) caused by deliberate indifference to the use of excessive or punitive force; and/or (3) ratified by final decision-makers.

WHEREFORE, plaintiff prays for relief as set forth herein.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment against defendants, as follows.

1. For compensatory and economic damages according to proof;
2. For general damages according to proof;
3. For an award of punitive and exemplary damages against individual defendants according to proof;
4. For an award of attorneys' fees and costs;
5. Injunctive relief to remedy the unlawful practices alleged herein; and,
6. For other and further relief as the Court may deem just, necessary and appropriate.

JURY TRIAL DEMAND

Plaintiff hereby requests a jury trial on all issues so triable.

Dated: July 11, 2014

/s/ John Houston Scott
John Houston Scott
Attorney for Plaintiff

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

(a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff San Francisco County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
John Houston Scott, SBN 72578; Elizabeth N. de Vries, SBN 227215
1388 Sutter Street, Suite 715
San Francisco, CA 94109; telephone: (415) 561-9600

DEFENDANTS

Bay Area Rapid Transit, Unknown Assailants 1-4; County of Alameda, and DOES 1-20, inclusive

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (Specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983

Brief description of cause:

Excessive Force; Violation of Fourteenth Amendment; Monell Liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
07/11/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ John Houston Scott

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO OAKLAND ☐ SAN JOSE ☐ EUREKA

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

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2 Lizabeth N. de Vries (SBN 227215)
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4 1388 Sutter Street, Suite 715
5 San Francisco, CA 94109
6 Tel: (415) 561-9601
7 Fax: (415) 561-9609
8 john@scottlawfirm.net
9 liza@scottlawfirm.net

10 Attorneys for Plaintiff,
11 M [REDACTED] S [REDACTED]

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 M [REDACTED] S [REDACTED]

Case No.: [REDACTED]

15 Plaintiff,
16 v.

17 **SECOND AMENDED COMPLAINT FOR
18 DAMAGES AND INJUNCTIVE RELIEF**

19 BAY AREA RAPID TRANSIT, NOLAN
20 PIANTA, and DOES 1-20, inclusive.

[42 U.S.C. § 1983; Cal. Civ. Code § 52.1;
Negligence]

21 Defendants.

JURY TRIAL DEMANDED

22 PLAINTIFF M [REDACTED] S [REDACTED] complains of Defendants and alleges as follows:

23 **JURISDICTION AND VENUE**

24 1. This action arises under 42 U.S.C. §1983. Jurisdiction is conferred by virtue of 28
25 U.S.C. §§ 1331 and 1343. Supplemental jurisdiction for claims under state laws including Cal.
26 Civ. Code § 52.1 and negligence is authorized under 28 U.S.C. § 1367.

27 2. The conduct alleged herein occurred in Alameda County. Venue of this action lies
28 in the United States District Court for the Northern District of California.

PARTIES

3. At all relevant times, plaintiff M [REDACTED] S [REDACTED] resided in the City and County of San Francisco, California.

4. Defendant Bay Area Rapid Transit ("BART") was a public agency organized and existing under the laws of the State of California which includes the BART Police Department.

5. Defendant Nolan Pianta was an officer working for the BART Police Department, acting within the course and scope of his employment, under color of law, at all relevant times.

6. Plaintiff does not presently know the true names and capacities of defendants DOES 1 through 20, inclusive, and therefore sues them by these fictitious names. Plaintiff is informed and believes that DOES 1 through 20, and each of them, were responsible in some manner for the acts or omissions alleged herein. Plaintiff will seek leave to amend this Complaint to add their true names and capacities when they have been ascertained.

7. In doing the acts and/or omissions alleged herein, defendants and each of them acted under color of authority and/or under color of state law, and, in concert with each other.

STATEMENT OF FACTS

8. Plaintiff alleges on information and belief that at all times mentioned herein, and to this date, Nolan Pianta, (#061709) and B. Trabinino (#061462) were and are police officers employed by the BART Police Department ("BART PD").

9. On March 17, 2014, female plaintiff M [REDACTED] S [REDACTED] was traveling on BART when she exited a train in Oakland, and, was arrested by BART PD Officer Trabinino. BART PD Officer Pianta transported her to the Santa Rita Jail. On route, S [REDACTED] urinated in a police car.

10. Upon arrival at the Santa Rita Jail, in the booking area, BART PD Officer Pianta beat S [REDACTED] until she lost consciousness. This beating caused plaintiff serious head injuries including but not limited to fracturing four of her cheek bones, splitting her molar, and cracking a front tooth.

11. S [REDACTED] was taken in an ambulance to Eden Medical Center in Castro Valley where S [REDACTED] was treated and required hospital care and treatment for two days.

1 12. Eden's March 19, 2014 discharge papers identify her "final diagnoses" as follows:

2 Principal Problem:

3 Fx Left orbital floor blowout

4 Active Problems:

5 LOC (loss of consciousness)

6 Fx: Left maxillary depressed comminuted anterior wall, nondisplaced medial wall,
displaced lateral wall

7 Left orbital wall lateral displaced comminuted fx

8 Fx: medial wall Right maxillary antrum

9 Concussion with brief loss of consciousness

Eyelid laceration

Lip laceration

10 13. Plaintiff returned to Santa Rita Jail before being released on bail.

11 14. No criminal charges were ever filed against the plaintiff.

12 15. Plaintiff submitted a tort claim to BART dated August 26, 2014.

13 STATEMENT OF DAMAGES

14 16. As a result of the acts and/or omissions of defendants, and each of them, plaintiff
15 suffered and will continue to suffer general damages including pain and suffering, fear, anxiety,
16 humiliation, and emotional distress in an amount to be determined according to proof. Plaintiff
17 also received serious permanent physical injuries which impact her quality of life and daily life
18 activities in an amount to be determined according to proof.

19 17. Plaintiff has also incurred and will continue to incur medical and dental treatment and
20 related expenses in amounts to be determined according to proof.

21 18. Plaintiff has further suffered lost wages and employment opportunities in amounts to
22 be determined according to proof.

23 19. The acts and/or omissions of the individual defendants including Nolan Pianta were
24 willful, wanton, reckless, malicious, oppressive and/or done with a conscious or reckless
25 disregard for the rights of the plaintiff, who seeks punitive and exemplary damages against these
26 individuals according to proof.

27 20. Plaintiff has retained private counsel to represent her in this matter and will seek an
28 award of attorneys' fees and costs as permitted by law.

CAUSES OF ACTIONS
FIRST CAUSE OF ACTION
[42 U.S.C. §1983—Fourth Amendment]

21. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

22. Plaintiff alleges on information and belief that the Officer Pianta and Does 1-20 (hereafter the “individual” defendants) were acting under color of state law and in the course and scope of their employment.

23. In doing the acts and/or omissions alleged herein, the individual defendants used intentional and unreasonable force against M█████ S█████ in violation of her rights under the Fourth Amendment to the United States Constitution.

24. Defendants’ use of excessive force was a substantial factor in causing plaintiff’s harm. WHEREFORE, plaintiff prays for relief as hereinafter set forth.

SECOND CAUSE OF ACTION
[42 U.S.C. §1983—Fourteenth Amendment]

25. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

26. In doing the acts and/or omissions alleged herein, the individual defendants were deliberately indifferent to plaintiff’s health and safety in violation of the Fourteenth Amendment to the United States Constitution. Alternatively, these defendants acted with a purpose to harm the plaintiff, unrelated to any legitimate police purpose.

27. Defendants’ use of punitive excessive force was a substantial factor in causing plaintiff’s harm.

WHEREFORE, plaintiff prays for relief as set forth herein.

THIRD CAUSE OF ACTION
[42 U.S.C. §1983—Monell Liability]

28. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

1 29. Municipal defendant BART was responsible for ensuring the health and safety of the
2 individuals placed in its custody. This included but was not limited to protecting those in custody
3 from excessive or punitive uses of force.

4 30. Plaintiff alleges on information and belief that the acts or omissions of the individual
5 defendants were caused by the municipal defendant's: (1) customs or *de facto* policies which
6 authorized, encouraged and/or condoned using excessive or punitive force in violation of the
7 Fourth and/or Fourteenth Amendments to the United States Constitution; and/or (2) failure to
8 promulgate appropriate policies with respect to the use of excessive or punitive force; and/or (3)
9 deliberate indifference to the use of excessive or punitive force; and/or (4) inadequate and
10 arbitrary training, supervision, and/or discipline of officers regarding the use of force; and/or (5)
11 ratification by final decision-makers. These failures and actions constituted deliberate
12 indifference to the municipal defendants' obligation to insure the preservation and protection of
13 an individual's constitutional rights.

14 31. Plaintiff alleges on information and belief that the municipal defendant knew or
15 should have known that its acts and omissions would likely result in a violation of the Fourth and
16 Fourteenth Amendment rights of a person in Ms. S [REDACTED] situation.

17 32. Plaintiff alleges on information and belief that the municipal defendant's acts and
18 omissions were a moving force in the deprivation of Ms. S [REDACTED] constitutional rights and
19 injuries she suffered.

20 WHEREFORE, plaintiff prays for relief as set forth herein.

21 **FOURTH CAUSE OF ACTION**
22 [Cal. Civ. Code §52.1]

23 33. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all
24 prior paragraphs of this Complaint.

25 34. In doing the acts and/or omissions alleged herein, Officer Pianta and the individual
26 defendants and municipal defendant through *respondeat superior* committed acts of violence
27 against Ms. S [REDACTED] in violation of her rights under the Fourth Amendment and Fourteenth
28 Amendment to the United States Constitution.

1 35. Defendants' conduct was a substantial factor in causing plaintiff's harm.

2 WHEREFORE, plaintiff prays for relief as set forth herein.

3
4 **FIFTH CAUSE OF ACTION**
5 **[Negligence]**

6 36. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all
7 prior paragraphs of this Complaint.

8 37. Defendants had a duty to plaintiff while she was in their exclusive care and custody.

9 38. Defendants breached their duty of care.

10 39. Defendants' acts and omissions were a substantial factor in causing plaintiff's harm.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, plaintiff prays for judgment against defendants, as follows.

- 13 1. For compensatory and economic damages according to proof;
- 14 2. For general damages according to proof;
- 15 3. For an award of punitive and exemplary damages against individual defendants
16 according to proof;
- 17 4. For an award of attorneys' fees and costs;
- 18 5. Injunctive relief to remedy the unlawful practices alleged herein; and,
- 19 6. For other and further relief as the Court may deem just, necessary and appropriate.

20 **JURY TRIAL DEMAND**

21 Plaintiff hereby requests a jury trial on all issues so triable.

22 Dated: October 27, 2014

23 /s/ Lizabeth N. de Vries
24 Lizabeth N. de Vries
25 Attorney for Plaintiff
26
27
28

Police Command Staff Meeting, 3/24/15

Attendance:

Chief Rainey, DC Jennings, DC Glenn-Davis, Lieutenants: Kwon, Haight, Alvarez, Gregson, Lopez, Forte, Franklin, Hayes, Sgt. Weissich, Sgt. Power, Morgan, Cromer, Goldner, Blagg, Cheung

Minutes by Lt. Franklin

DC Jennings:

Reviewed outstanding assignments and BAP

Approved Staff minutes from 3/17/15

Discussed PD participation in task forces and the support that the task force can provide to BART PD for special operations and directed patrol activity. Alameda County Narcotics task force is available to assist and all narcotics arrests should be forwarded to Ofc. Shaun O'Connor. Task force can assist with training on how to develop CI's.

Discussed MVR use. Keep cameras recording during any interactions with suspects. Cameras should be used during the booking process in the jail and when transporting suspects.

Kwon:

Telestaff updates

Gregson:

FTO, recruiting and hiring updates (see summary below)

Training Requests

- CAP Team room clearing
- Ofc. Medeiros Ofc. Turner MFF CoCo

Chief:

Discussed how TBA assignments are allocated for Officers who have completed the field training program.

Discussed new 12 hour schedule. Lt. Lopez and Lt. Kwon discussed advanced planning for filling empty overtime slots and looking 5-7 days out for inverse assignments. Overtime and inverting have been reduced with the new schedule, but require more planning due to the lack of overlapping days off. If CAP or K9 are used to fill last minute overtime, then they should be

COMMAND STAFF MEETING NOTES

6/9/15

Present: Chief Rainey; Deputy Chiefs Fairow, and Glenn-Davis; Lieutenants Alvarez, Coontz, Haight, Hayes, Kwon, Gregson, and Lopez; Sergeants Williamson, Vogan, Power, and Sekhon; Cheung, Cromer, Supervisor Morgan; Detective Woffinden; Officer Dam.

Outstanding payroll and case assignments were reviewed.

Staff notes for 6/2/15 were reviewed and approved.

Chief Rainey:

- Led a discussion of radio issues. The consensus was that the radio reception problems are improving, but that there are still sporadic problems in certain areas. The installation of new equipment in San Francisco is ongoing, which will hopefully improve reception in the West Bay.
- Discussed the recent rash of auto burglaries at Bay Fair Station. Zone 3 personnel are working on a strategy to combat this crime trend.
- Reviewed a recent NCRIC bulletin regarding the surveillance of non-sworn police employees in San Leandro by a suspect. The suspect was identified as Marco JAUREGUI (09/17/84). All personnel are reminded to be vigilant and aware of the possibility of surveillance by those who are not police supporters.
- Led a discussion of use of force reporting. Sergeants are reminded to:
 - Use the Alliance report writing descriptions of persons (Suspect, Arrestee, Sick Person, Detainee) in your use of force investigation narratives, rather than referring to the people that force has been used upon as "citizens," or other non-specific terms.
 - **Axon Activation** – the department expects that all personnel equipped with an Axon camera will activate the camera at the moment they decide to make an enforcement stop on a person. When responding to a priority call for service, personnel are expected to turn their camera on while responding to the call, rather than waiting until they arrive on scene. The intent of this expectation is that the **entire contact** with a person will be captured. This will prevent frivolous claims that an officer said something to the person that is not captured in the 30 second buffer that resulted in the person resisting the detention. Activating the camera while responding, either on foot or in a car, will prevent officers from forgetting to activate the camera after they arrive and allow them to focus on officer

safety and tactical considerations, rather than trying to remember to activate their cameras in a chaotic situation. It is recognized that there will be a few situations where the officer is confronted with a person requiring immediate use of force. In those situations, officers should activate their cameras as soon as practicable. Personnel are reminded that, absent significant mitigating circumstances, the failure to activate the Axon camera when the decision is made to make an enforcement contact on a person, so that the entire contact is captured on both audio and video, may result in possible discipline. If the first video captured on a contact is the officer already in a physical struggle with a person, the officer and investigating sergeant need to document the mitigating circumstances that prevented timely activation of the camera.

- Personnel are reminded to conduct daily testing of their Axon cameras, as required by policy. In the event that an officer's camera malfunctions during a use of force case, and the camera was never function checked at the start of the shift, it will be difficult to justify mitigating circumstances.
- A revision to the Axon policy will be forthcoming, but **effective immediately, all personnel with Axon cameras are required to record prisoner transports and bookings.** In the event that jail personnel instruct officers to turn their cameras off, personnel should obtain the name of the official directing them to turn the camera off, and document that in their report. Executive staff will then take the issue up with the involved police/sheriff's department to clear up any conflicts.

Lt. Alvarez:

- The department's contract with Lexipol for daily training bulletins will be renewed in July. Effective 7/1/15, all personnel will be required to complete 8 daily training bulletins per month. Lt. Alvarez will identify the required bulletins at the beginning of each month, as is the current practice.

Lt. Haight:

- All personnel are reminded to make sure that any vehicle tows for violation of no parking signs are conducted properly. This includes making sure that signage is lawfully posted. Traffic officer Busse is working to make sure that regulatory signs posted by the District comply with the Vehicle Code, but officers are reminded that unless the signage is posted in advance, is in the proper format (red and white tow-away), the vehicle should not be towed. It may be cited for the violation, but should not be towed. If the signage is not proper, the department will have to absorb the tow and store fees.

Command Staff Notes, July 14, 2015

Attendees: Chief Rainey; Deputy Chiefs Jennings and Fairrow; Lieutenants Ledford, Forte, Coontz, Haight, Kwon, Alvarez, Hayes, Lopez, and Gregson; Sergeants Vogan and Power; Supervisors Morgan and Cheung; Managers Cromer and Blagg; Acting Admin Analyst Rinker; Officer Dam

Chief Rainey:

- Chief's Hook reviewed and updated

DC Jennings:

- Report on Outstanding Assignments
- Report on BAP Non-paid Status
- Approval of Staff notes from July 7, 2015
- Recent arrests involving firearms, great job by officers, a reminder to be safety conscious when contacting suspects
- Officers are to video record the booking process of arrestees at jails unless there is a written policy prohibiting recording. If an individual jail employee tells a BART officer to not record, then the BART officer should ask to speak with a supervisor, and if the supervisor instructs the BART officer to stop recording then the officer should do so but should also get the supervisor's name to document in the officer's report
- The BART Employee Resource Group will be collecting non-perishable food items for local food banks from June 29th to July 21st. Donations will benefit communities in Alameda, Contra Costa, San Mateo, and San Francisco Counties. See WebBART for more information.

Sergeant Vogan:

- Next shift selection will take effect September 14, 2015

Lt. Alvarez:

- National Night Out, rosters due July 28, 2015

Lt. Kwon:

- Zone 3 Compstat
- Department wide training for Warm Springs extension will take place prior to station opening (projected for fall 2015)

Lt. Coontz:

- Supervisors should not add markers or comments to AXON videos on evidence.com. If you want to make comments, download the video file and mark-up outside of evidence.com.

8/16/2016

Profile Report: Pianta, Nolan M - POST EDI

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Report generated on 8/16/2016

C O N F I D E N T I A L

Name: Pianta, Nolan M

POST ID: [REDACTED]

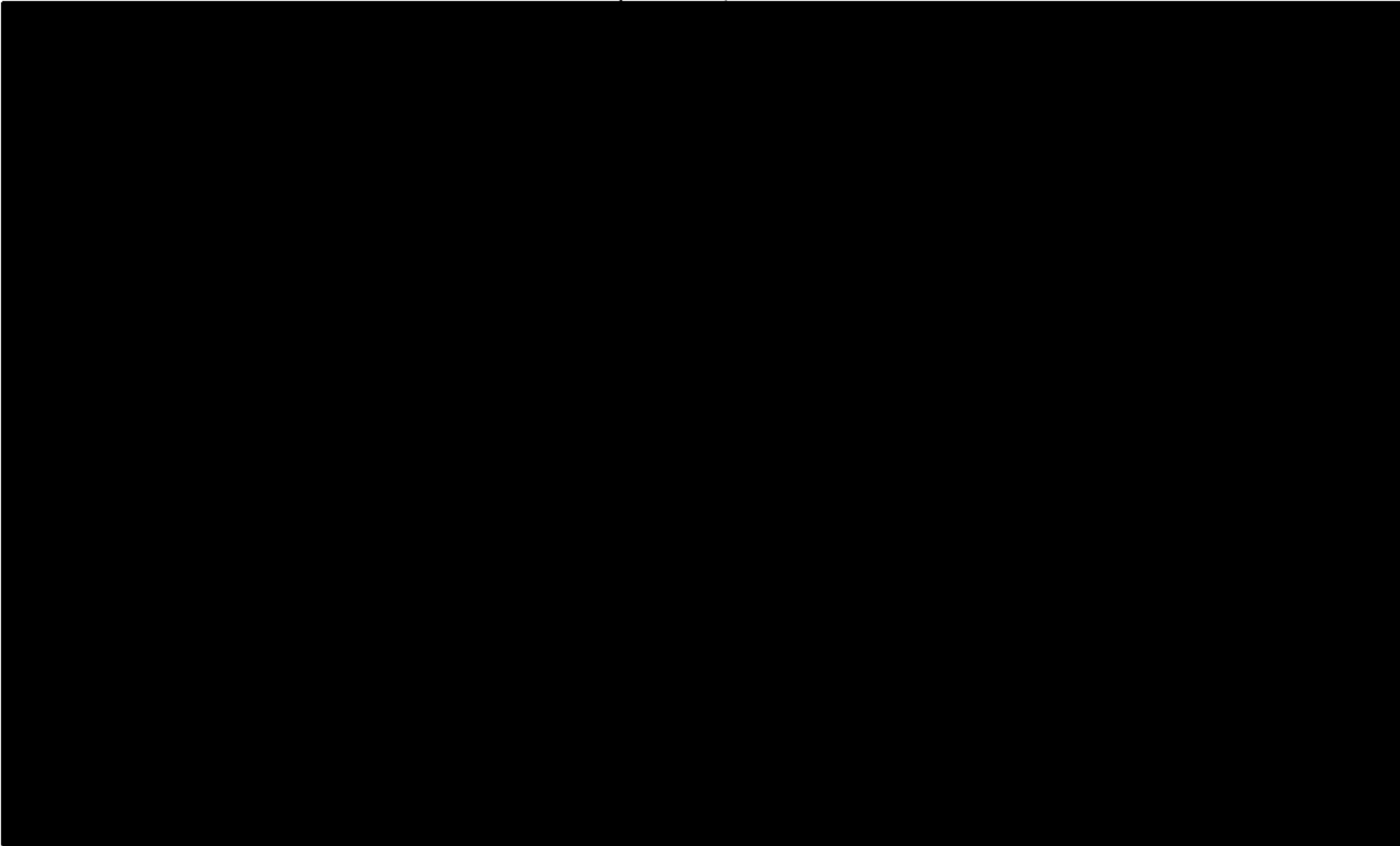
Agency: BAY AREA RAPID TRANSIT PD

Sex: M

AKA: NO ALTERNATE NAMES ON FILE

Race: W





Course Rosters - Trainee Information**Course: ARREST & CONTROL TECHNIQUES - 20995****Presenter: BAY AREA RAPID TRANSIT POLICE DEPARTMENT (3700)****Course Control Number: 3700-20995-13-024****Presentation Hours: 8****Presentation Dates: 05/19/2014 - 05/19/2014****Presentation Location: 800 MADISON STREET, OAKLAND****Rmb Plan: II****Enrollment: 9 / 8**

| POST ID | Name | Trnee Status | Dept Or Agency | Hrs | Cmpl | Comments |
|---------|---------------|--------------|---------------------------|-----|------|----------|
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | PIANTA, NOLAN | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |
| | | P | BAY AREA RAPID TRANSIT PD | 8 | ✓ | |



S.F. Bay Area Rapid Transit District Police Department

Arrest and Control

Arrest and Control Training CPTN - 2014

MISSION: Arrest and Control instructors will provide officers of this department with Arrest and Control training.

GOAL: By utilizing hands-on guidance, Arrest and Control instructors will teach the Officers of this department the proper searching, cuffing, takedown, and ground control techniques.

1. Lecture

III (g,j,k)

- Roundtable (any questions from participants on UOF policy/Handcuffing policy – participants required to review prior to training).
- Responsibility of Officer to notify supervisor on use of force
- Searching must be systematic and
 - Officer must be “switched on” with proper mind set
- Graham v. Connor
 1. Officer with similar training and experience
 2. In similar situation
 3. Act in similar mannerNot best decision, but reasonable one
- Scott v. Heinrich
 - 1. Force Options
 - 2. No need for escalation of force options
- Safety Points:
 - Injuries (Past, Present, & Future)
 - Spatial Awareness
 - Dangerous Conditions
- Turning on MVR

BREAK

2. Power point/ Videos

III (g,j)

- Discussion of reasonable force
 - Discussion of well-articulated UOF reports
 - Photos/ videos of subjects displaying pre-assaultive behavior
-

- **Videos of officers involved in uses of force**
- **Discussion of Role of Cover Officers (contact v cover)**

3. Warm-up

III (a)

- Jumping jacks (25)
- Neck movement (left, right, up, down, right ear down, left ear down, look down at left toe then look over right shoulder, look down at right toe then over left shoulder, rotate head in a circular motion to the left and then to the right) 4 reps each.
- Shoulder rotations forward and back. 10 reps.
- Arm rotations forward and back (small circle to large circle and vice versa). 10 reps.
- Side bends (left and right). 4 reps.
- Trunk twist (left and right). 4 reps.
- Bend at the waist front, then left, then right (all static).
- Bend at the knees, grab toes, lower buttocks and pull up on toes to stretch lower back.
- Hamstring stretch
- Quad stretch
- While flat on back, knees to chest, then extend leg to stretch hamstrings by grabbing toe (if can't reach, then grab back of leg)
- On stomach spider stretch (hands underneath chest and slowly lift head, eyes, nose, chin, neck and chest)
- Wrist stretches – perform 4 reps each – both sides
 - a. Palm facing towards body, opposite hand grabs back of hand with fingers wrapped around meaty portion of opposite hand and thumb on the back of the knuckle line. Flex pinky finger towards body while bending the wrist.
 - b. Palm down, thumb towards body. Opposite hand positioned over the top with fingers grabbing the blade of opposite hand with the thumb and index finger wrapped around the wrist. Flex arm forward, left, right, and above the head (twist lock).
 - c. Utilizing the same grip as in step 2 (palm down) flex elbows towards each other to flex wrist.
 - d. One hand (fingers pointed away from body) thumb down. Use opposite hand (thumb up) to grab the back of the hand and pull wrist towards body and rotate fingers towards the nose ("Nikio" position).
 - e. One hand in front of body, palm up, opposite hand grip fingers and flex fingers towards the ground ("waterfall" motion)
 - f. Break falls

4. Footwork (from POI) – 4 reps each

III (b,h,i)

- Forward shuffle
 - Rear shuffle
 - Left shuffle
 - Right shuffle
 - Normal pivot
 - Shuffle pivot
-

- Progressive pivot
- Break falls

BREAK

5. Personal Body Weapons (from POI – From a “ready position”) III (b,f,g,i)

- Three reps each(have participants perform each strike with a series of front, rear, left, right, and shuffle pivots)
 - a) Palm Heel Strike
 - A. Right
 - B. Left
 - C. Combination
 - b) Hammer Fist strike
 - A. Right
 - B. Left
 - C. Combination
 - c) Under Punch
 - A. Right
 - B. Left
 - C. Combination
 - d) Elbow strike (lateral, downward, upward)
 - A. Right
 - B. Left
 - C. Combo

BREAK

- e) Front knee strike
 - A. Right
 - B. Left
 - C. Combo
- f) Front kick/ Push kick
 - A. Right
 - B. Left
 - C. Combo
- g) Low round house kick
 - A. Right
 - B. Left
 - C. Combo

BREAK

- h) Instructor calls out the personal body weapons transition drills on the striking bag (3x1 minute paced round).
-

BREAK

6. Ground Control Techniques

III (b,d,f,g,h,i)

- **Sitting In Base/ Ground Fighting Position (Movements) - 4 Reps each**
 - a. Left Shuffle
 - b. Right Shuffle
 - c. Rear Shuffle
 - d. Circle Right Shuffle
 - e. Circle Left Shuffle
 - f. Delivering Kicks
- **Stand Up In Base - 4 Reps**
- **Pop Up in Base- 4 Reps**
 - 1. Standard Variation
 - (a) Distance Creator

7. Bridge Instruction

- Drill 3x5 stand up in base, pop up in base, bridge (right and left)

BREAK

- **Trap and Roll Escape - 4 Reps each**
 - 1. Standard Variation (Strangulation Defense)
 - (a) Punch Block Variation
- **Escape from the Open Guard - 4 Reps each**
 - 1. Pop Up In Base (Modified)
 - (a) Normal Pivot Escape

BREAK

- **Scenarios (Group)**
 - 1. The officer contacts the suspect. The officer request's for the suspect's identification card. The suspect hands the officer the identification card requested. The suspect becomes an assailant by striking the officer, which causes the officer to go to the ground. The officer must begin to defend themselves by using the lessons they have learned to get back to their feet and transition to a force option. The scenario ends.
-

2. The officer contacts the suspect. The officer request's for the suspect's identification card. The suspect hands the officer the identification requested. The suspect becomes an assailant by striking the officer, which causes the officer to go to the ground. The officer must begin to defend themselves by using the lessons they have learned, because the assailant has taken the advantage by mounting the officer. The officer must reverse their position of being mounted, and get back to their feet, and transition to a force option. The scenario ends.

BREAK

8. Searching/ Handcuffing/ Self-Defense (3 Reps per Officer)

III

(b,d,e,f,h,i)

- a) Quick Cuffing (low risk)
 - 1) Grabbing of fingers
 - (a) Twist-locks (top to bottom; bottom to top)
- b) Twist-lock (medium risk)
 - 1) Cursory search
 - (a) Upper body search
 - (b) Female searches
 - (c) Handcuffing
 - (d) Lower body search
- c) Suspect resists the Twist-lock Control Hold
 - 1) Takedown to prone control
 - (a) Waterfall/ Bladed hand takedown
 - (b) Circle Down takedown
- d) Prone Handcuffing (high risk)
 - 1) Challenge suspect
 - (a) Handcuffing
 - (b) Search
- e) Assailant grabs officer chest area or neck
 - (1) One handed defense
 - Arm Sweep takedown
 - (2) Two handed defense
 - Same side hand- Reverse wrist with distraction strike
 - Opposite hand- Bar Arm

BREAK

• Scenarios (Solo)

1. The officer contacts suspect for smoking on the platform. Officer orders for identification card from the suspect and the responds with a polite defiance. Suspect apologizes for smoking, puts out the cigarette, and walks away. The officer stops the suspect, the suspect identifies themselves verbally, and the warrant return is 10-26/ UTL ID. The suspect begins to walk away. The officer needs to stop the suspect. The suspect complies with all commands. Ultimately a handcuffing and searching is conducted. The search of the suspect produces a weapon. The scenario ends.

2. The officer contacts suspect for fare evasion. The suspect complies with the officer orders. A warrant check produces an S-7 search clause. The suspect complies with the search clause. During the search, the suspect becomes resistive to the officer. The officer must control the suspect using the lessons they have learned. The officer handcuffs the suspect and the scenario ends.

REMINDER

A memo must be completed and submitted to supervisor if an Officer is unable or unwilling to perform any of the above listed Defensive Tactics techniques.

END LESSON

NOTES:

Hourly Distribution

| | |
|--|---------|
| Attendance roster/admin/safety brief | 10 min |
| Power Point/ Report Articulation/ Discussion | 45 min |
| Break | 10 min |
| Warm up | 15 min |
| Footwork | 10 min |
| Break | 10 min |
| Personal Body Weapons | 60 min |
| Break | 15 min |
| Ground Control | 100 min |
| Lunch | 90 min |
| Searching/ Handcuffing/ Self-Defense | 90 min |
| Break | 10 min |
| Debrief | 15 min |
| Total = 8 hours | |



BART POLICE DEPARTMENT
SUPERVISOR USE OF FORCE REPORT

| |
|-----------|
| Case No. |
| 1403-2632 |

| | | | | |
|---|---|--|--|------------------------------|
| Were photographs taken of the subject? | | <input checked="" type="checkbox"/> Yes | No (If no, explain) | |
| There was MVR footage and a photo taken after the second UOF. | | | | |
| Was subject interviewed? | | <input checked="" type="checkbox"/> Yes | No (If no, explain) | |
| S [REDACTED] did not want to speak with me. | | | | |
| Was interview recorded? | | <input checked="" type="checkbox"/> Yes | No (If no, explain) | |
| | | | | |
| 1) Was video of the incident available? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | | |
| 2) Was video Hotline notified? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | | |
| 3) Was external video available? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Unknown | <input type="checkbox"/> N/A |
| 4) Was a canvas for witnesses conducted | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No (If no, explain) | | |
| | | | | |
| 5) Describe injuries to others due to subject's actions | <u>None</u> | | | |
| | | | | |
| 6) Were photographs taken of involved officer? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No (If no, explain) | | |
| | | | | |
| | | | | |
| Were witnesses interviewed? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No (If no, explain) | |
| | | | | |



**BART POLICE DEPARTMENT
SUPERVISOR USE OF FORCE REPORT**

NARRATIVE SECTION

Supervisor's Analysis of the Incident:

Include comments on the original detention, witness statements and description of the subject's actions during/after the contact.

INTRODUCTION:

On 3/17/14 at about 1834 hours, I responded to the platform at the Lake Merritt BART station for a suspect who was placed into custody after she had resisted arrest. The suspect was later identified as M. S. I also responded to the second UOF regarding S. that occurred at Santa Rita Jail check-in counter at 2006 hours. Lastly, I responded to Eden Hospital to interview S. who was being treated there.

INVOLVED PERSONNEL:

Officer B. Trababino #102, Officer R. Carrasco #268, Officer N. Pianta #116

Upon my arrival, at the Lake Merritt BART Police substation, I met separately with Officer Carrasco and Officer Trababino in the Sergeant's office. Officer Trababino stated the following to me (summarized): On 3/17/14 at about 1825 hours, while Officer Trababino was assisting a sick a patron on the platform at the Lake Merritt station he was flagged down by an unknown subject who suggested that he check on a female who was later identified as suspect S. S. was on the platform sitting on a bench nearby. After Officer Trababino made contact with suspect S. he determined she was under the influence and unable to care for her own safety (647(f)PC) S. had touched and pushed Officer Trababino's gun belt in the area near the front center of his belt where his pistol magazines are positioned. Officer Trababino was waiting for his cover unit to arrive and had warned S. not to touch him but S. refused to be compliant by yelling obscenities at him and not staying still. Officer Trababino was attempting to place S. under arrest for being Intoxicated in public and for not being able to care for her own safety, 647(f) PC. Officer Trababino grabbed onto S. left wrist in an attempt to place her into a twist lock control hold, but she continued to resist by twisting the front of her body towards Officer Trababino. Officer Carrasco arrived on scene and assisted Officer Trababino by grabbing S. other arm. Officer Trababino stated he and Officer Carrasco guided S. to the ground. After Trababino was able to get S. on the ground she continued to resist by kicking her feet towards Officer Trababino and Officer Carrasco. Officer Trababino was able to handcuff S., check for proper fit and double lock each of the handcuffs. Officer Trababino and Officer Carrasco were in the process of relocating S. to the Police Office at the Lake Merritt station; when S. continued to resist and delay officers by dropping all of her weight by spreading her legs apart and lowering her buttocks towards the ground and saying "fuck no!" just prior to going up the escalator. S. refused to move. Due to the fact that S. refused to move, Officer Trababino applied a rear wrist lock. Officer Trababino placed Sheehan into the holding cell and stated S. had slipped her handcuffs off while in the holding cell. Officer Trababino stated he did not have any other involvement with S. Officer Trababino stated S. was not injured and neither was she as a result of the use of force.

I spoke separately with Officer Carrasco who corroborated everything Officer Trababino stated above. Officer Carrasco stated he saw S. push Officer Trababino. Officer Carrasco saw Officer Trababino struggling with S. Officer Carrasco grabbed onto S. right arm and guided S. to the ground along with Officer Trababino. Officer Carrasco stated he may have been hit in the face by S. foot when they were handcuffing S. but was not certain. Officer Carrasco did not have any other involvement with S. Officer Carrasco stated S. was not injured and neither was he as a result of the use of force.

I independently spoke with Officer N. Pianta #116 at Eden Hospital in Castro Valley regarding his use of force that occurred at the Santa Rita Jail check in counter. Officer Pianta stated the following (summarized): Officer Pianta had



BART POLICE DEPARTMENT SUPERVISOR USE OF FORCE REPORT

transported S [REDACTED] to the Santa Rita jail to be booked on the charge of resisting arrest 148(a) PC and Intoxicated in public 647(f)PC. S [REDACTED] was compliant and was told to approach the counter to check in for booking at Santa Rita Jail. The intake Officer advised Ofc. Pianta to uncuff S [REDACTED]. S [REDACTED] then started going through her purse that had personal items such as pens and a hairbrush that could be used as a weapon. S [REDACTED] also stated earlier that she had a needle in her purse and was going to stick an Officer, Officer Trabanino with it. The needle was not recovered during the search of her purse by Officer Pianta or Trabanino. Officer Pianta ordered S [REDACTED] to not go into her purse for Officer safety reasons, but she refused, which is a violation of obstructing and delaying 148(a) PC. Officer Pianta for his safety elected to grab S [REDACTED]'s purse so she would not be able to go inside of her purse.

S [REDACTED] grabbed onto her purse strap as Officer N. Pianta was attempting to take possession of the purse from the check in counter. Officer Pianta ordered S [REDACTED] to let go of the purse, S [REDACTED] refused to comply. S [REDACTED] continued to hold onto the purse while screaming and swearing at Officer Pianta. Officer Pianta placed S [REDACTED]'s left arm in a twist lock control hold and leaned her against the counter in an attempt to gain control of S [REDACTED]. The twist lock control hold did not have any effect on S [REDACTED] and she was able to twist the front of her body towards Officer Pianta. S [REDACTED] then started to hammer punch violently with a clinched right fist towards Officer Pianta's face, coming within inches of making contact with his face. Officer Pianta ordered S [REDACTED] to the ground but she continued her assaultive behavior of throwing punches towards Officer Pianta's face. Officer Pianta placed S [REDACTED] into arm bar control technique and he drove S [REDACTED] to the ground. The bar arm take down control technique was taught to Officer Pianta when he had attended the Contra Costa County Police academy that is licensed by the Peace Officer Standard and Training (P.O.S.T.).

As a result of the bar arm take down, S [REDACTED] landed on her face and did not use her right free arm to prevent her from hitting her head on the ground. As a result of the take down, S [REDACTED] may have been unconscious for a brief amount of time (one to five seconds).

It should be noted that many of the P.O.S.T. certified takedowns are dynamic in nature. The take down involves a combination of speed, leverage and aggressiveness by the individual Officer in order to gain immediate control of a combative suspect as quickly and safely as possible; all which must be reasonable. Based on my investigation, Officer Pianta was reasonable in using a bar arm take down technique for the following reasons: 1) S [REDACTED] refused verbal commands to leave her purse alone. 2) S [REDACTED] refused to turnover her purse after being told to do so repeatedly. 3) The purse had to be forcibly removed from her grasp. 4) S [REDACTED] managed to resist a twist lock control technique to her left arm; that Ofc. Pianta had applied to S [REDACTED] in the hopes that S [REDACTED] would comply and that he could handcuff her. 5) S [REDACTED] elected to ignore Officer Pianta's repeated verbal commands to stop resisting. 6) Lastly; S [REDACTED] resorted to using physical force against Ofc. Pianta by throwing consecutive hammer fist punches towards Officer Pianta's face.

A hammer fist punch to the face is when the subject clinches their fist. The subject winds-up their arm and brings their fist above their head and forcefully strikes their fist into the face of their intended victim. It should be noted, the generated energy from winding up and striking down with a hammer fist towards the victim's face could have reasonably caused great bodily injury or death to Ofc. Pianta. In order to prevent great bodily injury or death to himself it was reasonable for Ofc. Pianta to defend himself and use a bar arm take down on S [REDACTED] in order to gain control of S [REDACTED]. After Ofc. Pianta took S [REDACTED] down to the ground using a bar arm take down.

Note: Officer Pianta rendered first aid to S [REDACTED] after applying the take down and advised BART Police dispatch for a code 3 (emergency lights and siren) ambulance to respond to the scene and that he had a use of force. I (Sergeant Szopinski) advised BART Police dispatch that I would be responding to Santa Rita Jail to conduct a use of force investigation. Paramedic Plus #5290 transported S [REDACTED] to Eden Hospital for treatment. Upon being discharged from the Eden hospital, S [REDACTED] was booked at Santa Rita Jail.



BART POLICE DEPARTMENT SUPERVISOR USE OF FORCE REPORT

SUSPECT INTERVIEW:

I initially met with S [REDACTED] at the holding cell located in the BART Police substation at Lake Merritt BART station. S [REDACTED] stated she was not injured and I did not see any visible injuries to her. S [REDACTED] stated, "I FUCKED UP", (referring to herself). S [REDACTED] refused to give me a statement at Lake Merritt BART station and at Eden Hospital. I advised S [REDACTED] at the Lake Merritt holding cell that she was being transported to Santa Rita Jail for booking and to not make matters worse for her and to cooperate with the Officer. When I arrived at Eden hospital, I could not see S [REDACTED] S physical appearance at the Eden Hospital due to her being in her a very dark room and refusing to being interviewed. There wasn't any light on in the room and it was night time.

WITNESS INTERVIEWS:

I interviewed all of the witnesses separately.

I spoke with witness CSO A. Shah J355 who stated she had witnessed Officer Trabanino contacting S [REDACTED] on the platform at Lake Merritt BART station. Shah stated she heard Officer Trabanino telling S [REDACTED] to not go in her purse. SHAH stated she heard S [REDACTED] state there was a needle in her purse and that she could hurt him. S [REDACTED] also stated she was a terrorist. Shah saw S [REDACTED] strike Officer Trabanino near the magazines pouches on his duty belt. SHAH stated she saw Officer Trabanino attempting to handcuff S [REDACTED]. SHAW then saw Officer Carrasco arrive on scene and assist Officer Trabanino. Shah stated she then saw all three (Officers Trabanino, Carrasco and S [REDACTED]) fall to the ground. Shah stated she saw S [REDACTED] kick Officer Carrasco in the face with the sole of her sandal that she was wearing while attempting to handcuff her.

I spoke with witness CSO J. Resete J344 who stated the same as witness Shah stated occurred.

I interviewed Alameda County Sheriff technician Michelle Buckhout #444 who stated she had been in the process of in-taking S [REDACTED] at the Santa Rita Jail check-in counter. Buckhout stated that it appeared to her that S [REDACTED] was compliant and advised the Officer being Officer Pianta to uncuff her being S [REDACTED] so she could sign for her property. Buckhout remembers a struggle ensuing soon after S [REDACTED] was uncuffed and that S [REDACTED] wanted her purse. S [REDACTED] recalls the Officer Pianta grabbing onto S [REDACTED] s left hand, while S [REDACTED] was still holding onto her purse. Buckhout stated she saw S [REDACTED] take a swing at Officer Pianta's head when another Oakland Police Officer was walking over to assist. Buckhout stated Officer Pianta then took S [REDACTED] to the ground but could not see S [REDACTED] on the ground due to the counter obstructing her view. Buckholt stated she could not hear the conversation between Officer Pianta and S [REDACTED] due to the bullet proof glass portion.

I spoke with Oakland Police Officer Kitrell Carter #8702 via landline. Officer Carter stated he had observed a female suspect who was very belligerent at the intake counter at Santa Rita Jail. Carter stated he saw SHEEHAN throwing punches at Officer Pianta. Officer Carter stated he saw Officer Pianta do a take down on Sheehan. Officer Carter felt the force was reasonable and justified.

I spoke with Oakland Police Officer Paul Phillips and Mike Stolzman via landline. Both Officers (Officer Paul Phillips #8903 and Mike Stolzman #8576) stated they had all had witnessed the same account as to what had occurred and all of them stated the force that Officer Pianta used on S [REDACTED] was reasonable and justified. Officer Stolzman added that he had assisted Officer Pianta by grabbing the purse from S [REDACTED] S grasp. Officer Stolzman said after grabbing the purse from S [REDACTED] the following happened so fast: S [REDACTED] was punching Officer Pianta in the face, so he attempted to grab onto S [REDACTED] S right arm as Pianta did the bar arm take down.



BART POLICE DEPARTMENT SUPERVISOR USE OF FORCE REPORT

Conclusion: Officer Stolzman had his duty issued body camera's on and stated he had reviewed the video footage and the video footage is consistent with his statement. I had separated and interviewed all known parties that were involved or witnessed this event. I have reviewed all video pertaining to this event except the video footage captured on Oakland Police Officer Stolzman duty issued camera. I have requested all captured video from any all Oakland Police Officer's who may have captured video of this event. The UOF report was delayed due to CITRIX being down for a 30 hour period. Based on my investigation, I have determined that Officer Trabanino, Officer Carrasco and Officer Pianta, had used the reasonable amount of force necessary and were justified in using the afore mentioned force that is set forth under BART Police Lexipole policy 300-Use of Force. This concludes my investigation of this matter. This concludes my investigation. Sergeant Szopinski S21.

Prepared by: Sergeant. S. Szopinski S21

Name/Star

BART PD

Use Of Force Report

Incident Entered By: Sergeant Steve Szopinski
Assigned Investigator: Lieutenant Steven Coontz

Incident Details

| | | |
|--------------------------|---------------------------|---------------------------|
| Date Received | Date of Occurrence | Time of Occurrence |
| 3/18/2014 | 3/17/2014 | 18:34 |
| Record ID # | Case # | IA Case Number |
| 2559 | 1403-2632 | UOF2014-061 |
| Date/Time Entered | | |
| 3/18/2014 03:36 | | |

Incident Summary

Suspect S█████ was determined to be 647(f)PC by Officer Trabanino on the platform at LMA. S█████ had pushed Ofc. Trabanino just prior to him attempting to arrest S█████ for being intoxicated in public. S█████ was resisting arrest while Ofc. Trabanino attempted to place her hands behind her back. Ofc. Trabanino placed S█████ in a bent wrist control hold that she was attempting to escape from. Officer Carrasco arrived on scene and both Officers were able to take S█████ to the ground and place her under arrest. Upon arrival at Santa Rita Jail, S█████ had intentionally threw a hair band in Ofc. Pianta's face. S█████ refused to obey commands to not go into her purse while standing at the in-take counter. Ofc. Pianta attempted to place S█████ in a bent wrist but she managed to twist around and throw a punch towards Ofc. Pianta's face. For Ofc. Pianta's safety he took a modified arm bar take down of S█████. S█████ was injured as a result of the takedown and was transported to Eden Hospital for treatment. S█████ was admitted into the hospital and was in stable condition. S█████ was charged with 69PC, 148(A) X 2, 243(B), 647(f) PC and a prohibition order.

Incident Location

• 800 madison Street, Oakland, CA 94612

Use of Force Specific Information

| | | |
|--|-------------------------------------|----------------------------|
| Reason for Use of Force | Service Being Rendered | |
| Assaulting Citizen | Flag down | |
| Weather Condition | Lighting Condition | Distance to Citizen |
| Inside BART Station | Station Lighting | 0 to 3 feet |
| Citizen Injured | Citizen Taken to Hospital | Citizen Arrested |
| Yes | Yes | Yes |
| More than 1 Citizen Involved | | |
| No | | |
| Citizen's Build | Citizen's Height | |
| Medium | ██████████ | |
| Officer Assessment of Citizen Condition During Incident | | |
| Alcohol and unknown drugs | | |
| Officer(s) Injured | Officer(s) Taken to Hospital | |
| No | No | |

Reporting/Involved Citizen Information

M J S

Race: White Gender: Female

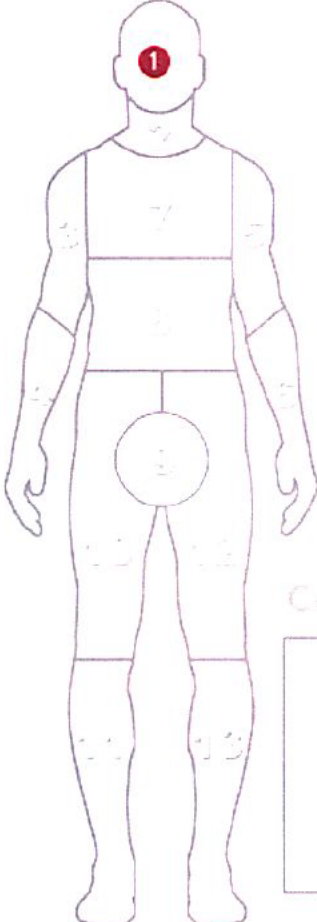
Address

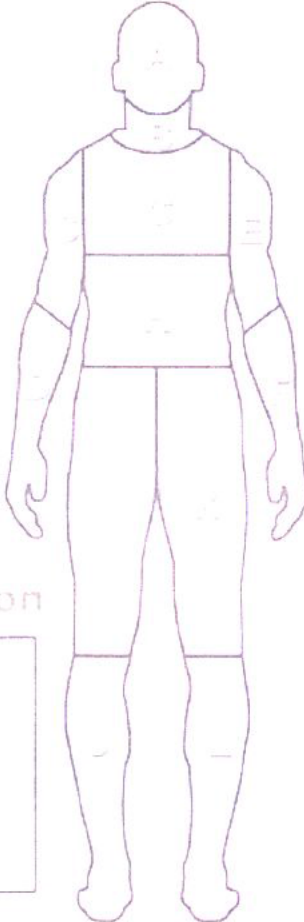
Types of Resistance Citizen Used Against Officer(s)


- Active Resistance

Injuries sustained by this citizen

| Injury | Regions | Injury Locations |
|----------------------------|---------|------------------|
| Medical Treatment/Hospital | 1 | 1 |

FRONT

BACK

Condition

Charges against this citizen

- Resisting Arrest
- Crimes Against Person (Fel)
- Crimes Against Person (Misd)
- Public Intoxication

Involved Officers

Officer Reynaldo Carrasco - Network ID: 061631

Force used by this officer against the citizen

- Take Down - Was force effective: Yes

| Force Used | Effective? | Regions | Points of contact |
|------------|------------|---------|-------------------|
| Take Down | Yes | 3, 4 | 1, 2 |

FRONT

BACK

Missed

Injuries sustained by this officer

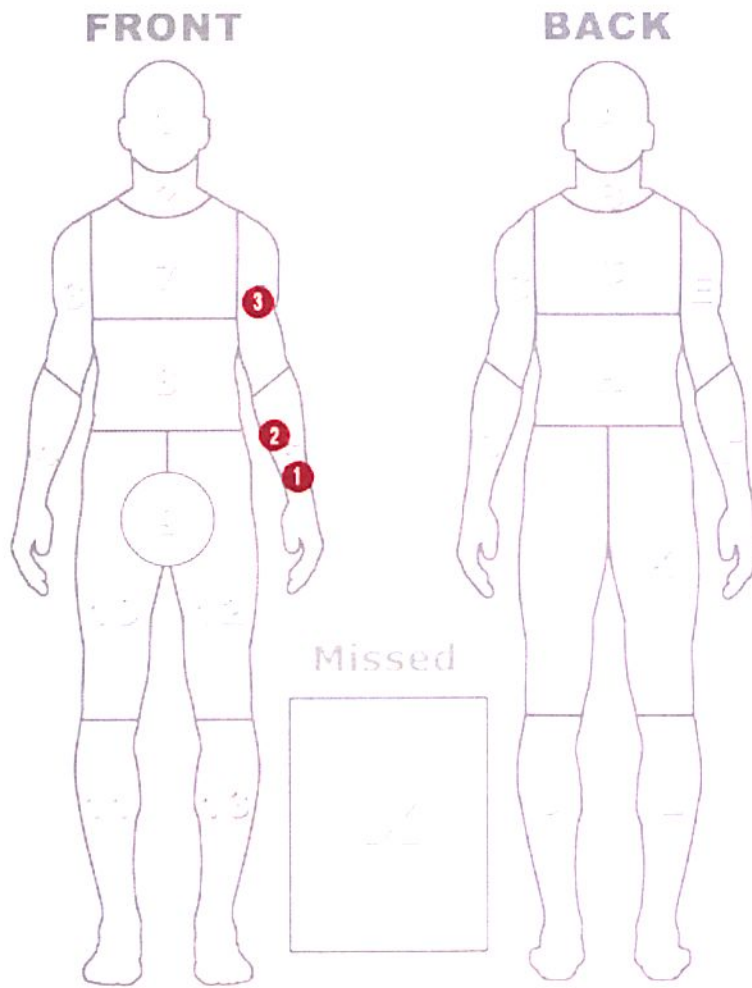
| Injury | Regions | Injury Locations |
|------------------------------|---------|------------------|
| No injuries noted or visible | | |

Officer Nolan Pianta - Network ID: 061709

Force used by this officer against the citizen

- Control Holds - Was force effective: No
- Take Down - Was force effective: Yes

| Force Used | Effective? | Regions | Points of contact |
|---------------|------------|---------|-------------------|
| Control Holds | No | 6 | 1 |
| Take Down | Yes | 5, 6 | 2, 3 |



Injuries sustained by this officer

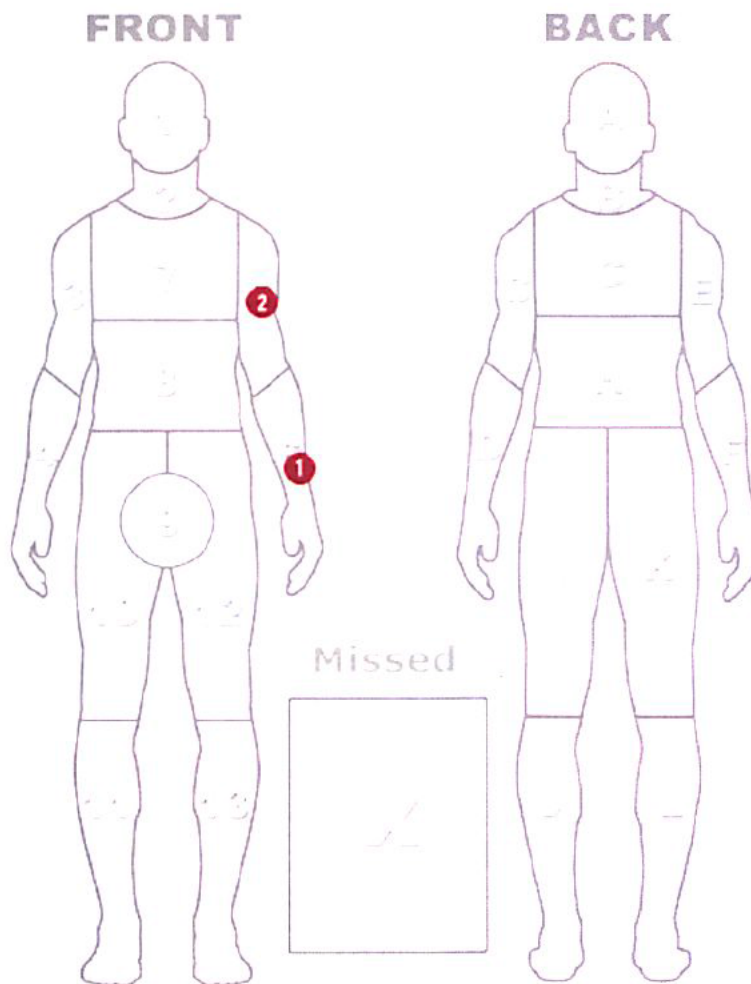
| Injury | Regions | Injury Locations |
|------------------------------|---------|------------------|
| No injuries noted or visible | | |

Officer Bryan Trabanino - Network ID: 061462

Force used by this officer against the citizen

- Take Down - Was force effective: Yes

| Force Used | Effective? | Regions | Points of contact |
|------------|------------|---------|-------------------|
| Take Down | Yes | 5, 6 | 1, 2 |



Injuries sustained by this officer

| Injury | Regions | Injury Locations |
|------------------------------|---------|------------------|
| No injuries noted or visible | | |

Citizen Witnesses

M [REDACTED] B [REDACTED]
- Race: White - Gender: Female

Address

Phone

K [REDACTED] C [REDACTED]
- Race: Black - Gender: Male

Address

Phone

P [REDACTED] F [REDACTED]
- Race: Unknown - Gender: Male

Address

Phone

J [REDACTED] R [REDACTED]
- Race: Pac Islander - Gender: Male

Phone

A [REDACTED] S [REDACTED]
- Race: Unknown - Gender: Female

Phone

M [REDACTED] S [REDACTED]
- Race: White - Gender: Male

Address

Phone

Attachments

No attachments

Chain of Command History

| Sent Dt | From | To | CC | Approved |
|-----------|--------------------------|--------------------------|--------|----------|
| 3/19/2014 | Sergeant Steve Szopinski | Lieutenant Gilbert Lopez | (none) | |

Sender's Instructions: Lt., I have reviewed all video pertaining to this event (1403-2632) and I have interviewed all parties involved and who had witnessed the UOF. Based on investigation I have deemed the use of force by Officer Trabanino, Officer Carrasco and Officer Pianta were reasonable and justified per Lexipole policy 300. S21

Recipient's Comments/Response: Per your request. GL

| | | | | |
|-----------|--------------------------|--------------------------|--------|---|
| 3/22/2014 | Lieutenant Gilbert Lopez | Sergeant Steve Szopinski | (none) | ✓ |
|-----------|--------------------------|--------------------------|--------|---|

Sender's Instructions: Per your request. GL

Recipient's Comments/Response: Lt., I have reviewed all video pertaining to this event (1403-2632) and I have interviewed all parties involved along with parties who had witnessed the UOF. Based on my investigation regarding this use of force (1403-2632) I have deemed the use of force by Officer Trabanino, Officer Carrasco and Officer Pianta were reasonable and justified per Lexipole policy 300. Sgt. Szopinski S21

| | | | | |
|-----------|--------------------------|--------------------------|--------|--|
| 3/22/2014 | Sergeant Steve Szopinski | Lieutenant Gilbert Lopez | (none) | |
|-----------|--------------------------|--------------------------|--------|--|

Sender's Instructions: Lt., I have reviewed all video pertaining to this event (1403-2632) and I have interviewed all parties involved along with parties who had witnessed the UOF. Based on my investigation regarding this use of force (1403-2632) I have deemed the use of force by Officer Trabanino, Officer Carrasco and Officer Pianta were reasonable and justified per BART Police Department Lexipole policy 300. Sgt. Szopinski S21

Recipient's Comments/Response: [Forwarded by Lieutenant Gilbert Lopez]

| | | | | |
|----------|--------------------------|--------------------------|--------|---|
| 4/9/2014 | Lieutenant Gilbert Lopez | Sergeant Steve Szopinski | (none) | ✓ |
|----------|--------------------------|--------------------------|--------|---|

Sender's Instructions: Steve, this UOF needs the following information/clarification: (1) Pg. 1 of your narrative - "He did not want to speak with me" You're referring to the female subject, so change "He" to "She"; (2) In your interview of Trabanino, you indicated the subject continued with her "assaultive" behavior of Trabanino - how so? Describe the assaultive behavior?; (3) In your interview of Pianta, he told you that while at Santa Rita the subject reached into her purse which contained items that could be used as weapons

- was the purse searched at all prior to the subject being transported to jail? Did Pianta search the purse?; (4) Double check 1st. para. / last sentence of your interview with Pianta - you wrote, "...Officer N." (5) If able to recall - description of control hold(s) used upon the subject by Pianta prior to arm bar takedown; (6) Describe how you learned about Pianta's UOF at the jail?; (7) Describe the subject's physical appearance when you contacted her at the hospital, after the second UOF; (8) Describe whether all witnesses, including OPD officers, were interviewed separately; (9) Any OPD officers' MVR/Vivue video of the UOF at the jail collected? If not, you need to follow up with OPD; (10) How did OPD Ofcr. Stolzman attempt to assist Pianta with the subject at the jail? Why was he unsuccessful?; (11) Explain why Pianta turned off MVR at jail - prior to his UOF? (12) Explain delay in submission of report past 24 hour time limit...If I recall correctly, you were experiencing some computer issues; (13) Add your name and star number to UOF report; (14) **Please note that many takedown techniques, such as the arm bar takedown, are dynamic. That is, they involve a combination of speed, leverage and aggressiveness by the officer in order to gain control of a combative suspect as quickly & as safely as possible; all of which must be reasonable. Having said this, descriptions of the latter portion of a takedown, such as "...guided her to the ground..." appear to contradict the takedown technique. In other words, if the bar arm takedown technique is used, it is alright to describe it as such in any report. If you wish to expand on the pressure applied to the subject's arm/wrist in order to pin him/her and continue with a control hold to handcuffing, then it should be explained as such. Please see me if you have any questions re: any portion of this follow up. Thank you. GL**

Recipient's Comments/Response: [Forwarded by Sergeant Steve Szopinski]

4/16/2014 Sergeant Steve Szopinski Lieutenant Gilbert Lopez (none)

Sender's Instructions: Lt. The uof has been resubmitted for your approval. Sgt. Szopinski S21

Recipient's Comments/Response: [Forwarded by Lieutenant Gilbert Lopez]

4/22/2014 Lieutenant Gilbert Lopez Sergeant Steve Szopinski (none) ✓

Sender's Instructions: Steve, Still need the following: (1) MVR activation reminder(s) for Carrasco and Trabanino; (2) An ETA of a copy of OPD ViVue video footage of the incident; (3) Reason(s) as to why Pianta turned off MVR while in the booking area of Santa Rita - prior to/during the use of force; and (4) Re-review MVR footage of Pianta's video prisoner transport as it appears, at times, he is driving at a high rate of speed - provide a reminder to the officer to drive at appropriate speeds, especially with a prisoner in the rear seat. Thank you. GL

Recipient's Comments/Response: Lt., 1) I reminded Ofc Trabanino and Ofc Carrasco to activate their MVR camera's as soon as they are aware there will be a detention and went over taser policy. 2) An ETA on getting a copy of OPD's ViVue should May 2nd, 2014. 3) The reason why Ofc. Pianta turned off his MVR is he believed their was unwritten rule to turn off his MVR upon entering the jail. Ofc. Pianta noticed that he still had his MVR on after he had entered the jail and elected to abide by the unwritten rule. I have advised Ofc. Pianta to keep his MVR on while booking- in subjects at the jail and to also advise jail staff that his camera is activated. 4) I have spoken with Ofc. Pianta regarding his driving with and without prisoners. Respectfully, Sgt. Szopinski S21

4/26/2014 Sergeant Steve Szopinski Lieutenant Gilbert Lopez (none) ✓

Sender's Instructions: Lt., 1) I have reminded Ofc Trabanino and Ofc Carrasco to activate their MVR camera's as soon as they are aware there will be a detention and went over the taser policy. 2) The ETA on getting a copy of OPD's ViVue should be no later than May 5th, 2014, due to me being off till then. I will write supplemental report when I receive the copy 3) The reason why Ofc. Pianta turned off his MVR is he believed their was unwritten rule to turn off his MVR upon entering the jail. Ofc. Pianta noticed that he still had his MVR on after he had entered the jail and elected to abide by the unwritten rule and turn off his MVR. I have advised Ofc. Pianta to keep his MVR on while in the process of booking- in subjects at the jail and to also advise jail staff that his camera is activated. 4) I have spoken with Ofc. Pianta regarding his driving with and without prisoners. Respectfully, Sgt. Szopinski S21

Recipient's Comments/Response: Based upon all information available for this incident, the use of force employed by all BART Police personnel was reasonable, within policy and justified. GL #L10

4/27/2014 Lieutenant Gilbert Lopez Lieutenant Steven Coontz (none) ✓

Sender's Instructions: Based upon all information available for this incident, the use of force employed by all BART Police personnel was reasonable, within policy and justified. GL #L10

Recipient's Comments/Response: UOF Review Board, please review and respond with your findings. No issues noted beyond those already addressed by supervisors.

5/6/2014 Lieutenant Steven Coontz Sergeant Brando Cruz Officer Stewart Lehman ✓

Sender's Instructions: Please review.

Recipient's Comments/Response: MVR footage and reports reviewed. UOF reasonable and within policy 300.

5/8/2014 Sergeant Brando Cruz Lieutenant Steven Coontz (none) ✓

Sender's Instructions: Please see comments.

Recipient's Comments/Response: UOF Review Board (Coontz #18, Cruz #24 and Lehman #192) reviewed this incident and found the uses of force to be within policy.

5/13/2014 Lieutenant Steven Coontz Deputy Chief Jeffrey Jennings (none)

✓
Sender's Instructions: Within policy.

Recipient's Comments/Response: I viewed the Santa Rita Jail video and concur that the use of force was within policy, justifiable and approved.

5/19/2014 Deputy Chief Jeffrey Jennings Supervisor Frances Cheung (none) ✓

Sender's Instructions: Reviewed and approved as justifiable. In addition to internal video, I reviewed Santa Rita Jails video and it concurs with the reports by the involved officers.

Recipient's Comments/Response: per Chief

2/18/2015 Lieutenant Lance Haight Officer Stewart Lehman Lieutenant Gilbert Lopez

Sender's Instructions: per your request, please re-route back to me by 2/20/15

Recipient's Comments/Response:

2/20/2015 Lieutenant Lance Haight Lieutenant Steven Coontz
Officer Stewart Lehman,
Lieutenant Gilbert Lopez,
Sergeant Brando Cruz,
Sergeant Steve Szopinski

Sender's Instructions: per your request, regarding deposition

Recipient's Comments/Response:

Assigned Investigator Signature Line

Lieutenant Steven Coontz

Chain of Command Signature Lines

Lieutenant Gilbert Lopez

Sergeant Steve Szopinski

Lieutenant Steven Coontz

Sergeant Brando Cruz

Deputy Chief Jeffrey Jennings

Supervisor Frances Cheung

Officer Stewart Lehman



BAY AREA RAPID TRANSIT POLICE DEPARTMENT

Kenton W. Rainey, Chief of Police
800 Madison Street
P.O. Box 12688
Oakland, CA 94604-2688
www.bart.gov/police

DATE: September 29, 2016
TO: Officer Nolan Pianta
FROM: Acting Deputy Chief Lance Haight
SUBJECT: Notice of Intent to issue Written Reprimand
Internal Affairs Case IA2014-036

In accordance with the Bay Area Rapid Transit Police Department's Progressive Discipline Policy 340, you are hereby advised that Chief Kenton W. Rainey has recommended administering discipline to you, pursuant to his review of BART Police Internal Affairs case IA2014-036. The investigation pertained to an incident that occurred on March 17, 2014, at the Santa Rita Jail.

The incident is summarized as follows:

Ms. M [REDACTED] S [REDACTED] was arrested at Lake Merritt BART Station on March 17, 2014, by BART Police Officers Trabanino and Carasco for public intoxication, resisting arrest, and assault on a peace officer. You were later assigned to transport S [REDACTED] to Santa Rita Jail for booking.

S [REDACTED] appeared to be cooperative at the jail and was unhandcuffed. At one point in the booking process S [REDACTED] tossed a hairband at you and then ignored your order to let go of her purse. You attempted to control S [REDACTED] with a control hold and then by bracing her against the intake counter. S [REDACTED] was combative, spun around towards you and tried to hit your face with a hammer fist strike. An Oakland officer also tried to assist. You performed a dynamic takedown in order to control S [REDACTED] and S [REDACTED]'s face hit the floor. S [REDACTED] appeared to lose consciousness. S [REDACTED] was transported and admitted to Eden Hospital due to injury.

Sergeant Szopinski responded to Eden Hospital to interview S [REDACTED] for a use of force investigation. S [REDACTED] stated that she did not remember what happened. S [REDACTED] stated, "... I'm not saying I'm innocent or anything... I probably mouthed off or like -- you know -- took a swing or like did something stupid... I just didn't know I would get this much of a fucking backlash."

MARCH 17, 2018
DEC 12 2018

BART Police received notification on September 17, 2015, that S█████ had filed a lawsuit regarding the incident at Santa Rita Jail and alleged excessive force on your part. The Complaint for Damages and Injunctive Relief filed by Ms. S█████'s attorney included the following, *"Upon arrival at the Santa Rita Jail, in the booking area, BART PD Officer Pianta beat S█████ until she lost consciousness. This beating caused plaintiff serious head injuries including but not limited to fracturing four of her cheek bones, splitting her molar, and cracking a front tooth."*

You documented the events leading to the takedown as follows in your police report narrative, *"While I had S█████ in a control hold, she began pulling away from me. I pushed her up against the counter in order to gain better control of her. She suddenly turned towards me and began violently punching with a closed fist at my face. Her strikes appeared as though they were missing my face by inches. I ordered her to get on the ground and she continued her assaultive behavior of attempting to strike me in the face. To protect myself from her attack and to stop her attack on me, I used an armbar take down and guided her to the ground. Upon guiding her to the ground she landed on her face and appeared to go unconscious."*

Based on video of the incident, your takedown of S█████ was dynamic and forceful. Your characterization in your police report of "guiding" S█████ to the ground is an inaccurate description of what took place and appears to minimize what happened.

Internal Affairs asked you to explain why you used the above verbiage in your report to describe the takedown. You replied, "It's my understanding that -- um -- that's how the -- um -- technique is conducted. Uh -- both my hands are on the subject, and it's -- um -- it's a circle down-type corkscrew motion -- um -- where you're essentially -- um -- guiding that person down towards the ground -- um -- where you have control of their -- their -- um -- their arms -- uh -- with both your hands. Um -- uh -- I've received -- uh -- uh -- training. I don't know -- uh -- I don't recall -- um -- uh -- where or -- um -- uh -- from who, but -- um -- it -- it's always been -- uh -- um -- specifically back -- uh -- when I worked in the prison -- um -- we used that term all the time -- guiding the subject to the ground -- um -- when we -- we talked about -- um -- this type of -- um -- uh -- maneuver."

When interviewed by Internal Affairs, you stated that you "took" Sheehan to the ground. You also stated that you "pushed" her to the ground. Internal Affairs recounted that you wrote that you "guided" Sheehan to the ground. When asked if you considered all of the above to be accurate statements, you replied, "I do." Internal Affairs then asked you if you considered anything in your report to be misleading or inaccurate, and you replied, "No."

Particularly since Ms. S█████ was injured, it was important for the actions which led the injury to be documented accurately. Your documentation of the takedown was not an accurate description of what took place.

Chief Kenton W. Rainey reviewed the investigation and sustained the following finding:

| EMPLOYEE | ALLEGATION | POLICY | FINDING |
|----------------|---------------------------------------|-------------|-----------|
| Officer Pianta | Performance (Report Writing Accuracy) | 201.2.14(p) | Sustained |

In regards to Policy/Procedure (Report Writing Accuracy), the allegation was sustained for the following reasons:

- Policy 201.2.14(p) states prohibits the following, *"Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation."*
- You documented the takedown of S [REDACTED] as follows in your police report: *While I had S [REDACTED] in a control hold, she began pulling away from me. I pushed her up against the counter in order to gain better control of her. She suddenly turned towards me and began violently punching with a closed fist at my face. Her strikes appeared as though they were missing my face by inches. I ordered her to get on the ground and she continued her assaultive behavior of attempting to strike me in the face. To protect myself from her attack and to stop her attack on me, I used an armbar take down and guided her to the ground. Upon guiding her to the ground she landed on her face and appeared to go unconscious. Moments later blood pooled onto the floor coming from her facial area. I placed her in the recovery position. Oakland police officers who were present summoned jail medical staff to provide aid to the suspect.*
- You noted in your police report and reiterated in your interview with Internal Affairs that you ordered S [REDACTED] to get on the ground just prior to performing the takedown. That does not appear to be an accurate recollection your part. The audio from the Oakland Officers' video did not record you ordering S [REDACTED] to get on the ground. You stated, "Let go of it [purse]." and then, "Really?!" just prior to the takedown.
- When asked by Internal Affairs why you chose those words "[I] guided her to the ground" to describe what took place, you replied, "It's my understanding that -- um -- that's how the -- um -- technique is conducted. Uh -- both my hands are on the subject, and it's -- um -- it's a circle down-type corkscrew motion -- um -- where you're essentially -- um -- guiding that person down towards the ground -- um -- where you have control of their -- their -- um -- their arms -- uh -- with both your hands. Um -- uh -- I've received -- uh -- uh -- training. I don't know -- uh -- I don't recall -- um -- uh -- where or -- um -- uh -- from who, but -- um -- it -- it's always been -- uh -- um -- specifically back -- uh -- when I worked in the prison -- um -- we used that term all the time -- guiding the subject to the ground -- um -- when we -- we talked about -- um -- this type of -- um -- uh -- maneuver."
- Internal Affairs recounted to you that you wrote in his report that you "guided" Sheehan to the ground, and that when interviewed you stated that you "took" her to the ground and

that you "pushed" her to the ground. You were asked if you considered all of the above to be accurate statements, and you replied, "I do."

- Internal Affairs then asked you if you considered anything in your report to be misleading or inaccurate, and you replied, "No."
- Based on video evidence, the takedown appeared to be forceful and dynamic with you thrusting S [REDACTED] over your thigh and straight down to the floor.
- Since Ms. S [REDACTED] was injured, it was important for the actions which led the injury to be documented accurately.
- Your documentation of the takedown was not an accurate description of what took place.

The following policy sections pertain to the sustained finding against you:

201.2.14 Performance

- p. Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.*

c2
ad?

Tolling of Investigation:

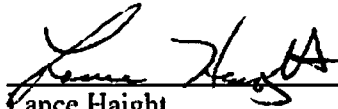
Internal Affairs conducted a review of the Supervisor Use of Force Investigation Report and initiated an administrative investigation on April 7, 2014. On September 17, 2014, the Department became aware of a civil suit filed by Ms. S [REDACTED]. As a result, this investigation was tolled from September 17, 2014, until April 28, 2016, while the civil suit was pending. The tolling period was 589 days. The most conservative derivation of the statute in this case would be 365 + 589 days from March 17, 2014, which is October 17, 2016.

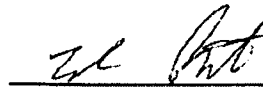
Conclusion:

Subsequent to the Chief of Police's review, he has proposed that you receive a Written Reprimand, which is formal discipline.

In accordance with Policy 340, you are granted the opportunity to present the Chief of Police with an oral or written response to the recommended discipline prior to its implementation. You have until 1700 hours, on Monday, October 10, 2016, to notify the Chief of Police if you decide to exercise this option. You are entitled to representation during this meeting. You may provide a written response in lieu of meeting with the Chief, and your written response must be received by 1700 hours, on Monday, October 10, 2016.

Your response will be considered before final action is taken. Failure to respond to this notice of proposed discipline by 1700 hours, on Monday, October 10, 2016, shall constitute an admission of the violations and waiving of the meeting. You are entitled to all materials which were considered by the Chief of Police in recommending the proposed discipline, and those materials will be delivered to you with this notification. Should you have additional questions, please contact Sergeant McNack at (510) 464-7029.

 9/29/16
Lance Haight Date
Acting Deputy Chief

 9-29-16
Acknowledgement of Receipt Date

cc: Chief Kenton W. Rainey
Mr. Marco Gomez – BART District Counsel
Ms. Barbara Greening – Principal Labor Relations Representative
BPD file

LH:pk